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13 WELLNESS SUPPORT NETWORK, INC.,
14 ROBERT HELD, and
ROBYN HELD

15
16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 FEDERAL TRADE COMMISSION,

20 Plaintiff,

21 v.

22 WELLNESS SUPPORT NETWORK, INC., a
23 corporation, ROBERT HELD, individually and
as an officer of Wellness Support Network,
24 Inc., and ROBYN HELD, individually and as
25 an officer of Wellness Support Network, Inc.,

26 Defendants.
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Case No.: 3:10-cv-04879-JCS

**JOINT STIPULATION TO REVISE
SCHEDULE; DECLARATION OF
MITCHELL S. FUERST IN SUPPORT**

Hearing Date: TBD
Courtroom A, 15th Floor

Magistrate Judge: Hon. Joseph C. Spero

I. INTRODUCTION AND PROCEDURAL HISTORY

On April 18, 2011, pursuant to a stipulation by the parties to revise the stipulated and ordered schedule for this matter (Dkt #22), the Court entered an order (Dkt # 26) setting deadlines for, among other things, the filing deadlines for Plaintiff's Amended Complaint and Defendants' responsive papers, the parties to meet and confer regarding initial disclosures, file a Rule 26(f) report, complete initial disclosures, and file a Case Management Schedule. The parties requested revision of the schedule because of the Court's Order granting in part and denying in part Defendants' Motion to Dismiss Complaint filed on December 29, 2010 (Dkt #24).

On April 29, 2010, Plaintiff filed its Amended Complaint for Permanent Injunction or other Equitable Relief (Dkt #27). As per the Court's April 18 Order, Defendants' responsive pleadings to Plaintiff's Amended Complaint are due May 19, 2011. However, given the complexities associated with this case, as well as undersigned counsel's scheduling conflicts during the month of May, the parties agreed to a 20-day extension of that deadline. Given that extension, the parties also agreed that the tasks to be performed as required by the *Order Setting Initial Case Management Conference and ADR Deadlines* would be performed more accurately and efficiently based upon the time modifications stipulated to below.

At this time, pursuant to L.R. 6-2 and L.R. 7-12, the parties respectfully request that the deadlines set in the Court's April 18, 2011 Order be extended by an additional 20 days. The proposed schedule is set forth below.

II. PROPOSED REVISED SCHEDULE

The parties propose the following modifications to the current schedule for this case:

1. Defendants' Answer and/or other responsive pleadings shall be filed no later than June 8, 2011.

1 2. The last day to meet and confer regarding initial disclosures, early settlement, ADR
2 process selection, and discovery plan shall be July 5, 2011.

3 3. The last day to file for ADR Certification shall be July 5, 2011.

4 4. The last day to file either a Stipulation to ADR Process or Notice of Need for ADR
5 Phone Conference shall be July 5, 2011.

6 5. The last day to file Rule 26(f) Reports, complete initial disclosures or state objections
7 in a Rule 26(f) Report, and file a Case Management Statement shall be July 18, 2011.

8 6. The Initial Case Management Conference shall be held on July ²⁹~~28~~, 2011.

9
10 **III. CONCLUSION**

11 The parties respectfully request that the Court revise the schedule as set forth above.

12
13 Respectfully submitted,

14 Dated: May 12, 2011

FUERST ITTLEMAN, PL

HOLMES & USOZ, LLP

15
16 By: /s/ Mitchell S. Fuerst

17 Mitchell S. Fuerst

18 Attorney for Defendants, WELLNESS
19 SUPPORT NETWORK, ROBERT HELD, and
20 ROBYN HELD

21 By: /s/ Leslie Holmes

22 Leslie Holmes

23 Attorney for Defendants, WELLNESS
24 SUPPORT NETWORK, ROBERT HELD, and
25 ROBYN HELD

26 Dated: May 12, 2011

FEDERAL TRADE COMMISSION

27 By: /s/ Laura Fremont

28 Laura Fremont

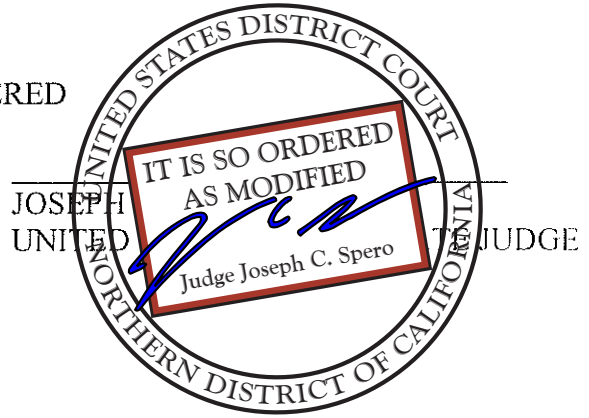
Kenneth H. Abbe

Attorney for Plaintiff, FEDERAL TRADE
COMMISSION

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PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: 5/16/11



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**DECLARATION OF MITCHELL S. FUERST
IN SUPPORT OF JOINT STIPULATION TO REVISE SCHEDULE**

I, MITCHELL S. FUERST, declare as follows:

1. I am counsel for Wellness Support Network, Inc. ("Wellness"), Robert Held and Robyn Held, (hereinafter collectively referred to as "Defendants"), Defendants in the above-captioned action. I make this Declaration in support of the foregoing Joint Stipulation to Revise Schedule. I have personal knowledge of each of the following facts, and would and could competently testify thereto if called upon to do so in a court of law.

2. **Reasons for the requested enlargement of time (Local Rule 6-2(a)(1)):** The current deadline for the Defendants to file their responsive papers to Plaintiff's Amended Complaint is May 19, 2011. However, given the complexities associated with this case, as well as undersigned counsel's scheduling conflicts during the month of May, undersigned counsel requested and the government agreed to a 20-day extension of that deadline. Given that extension, the parties also agreed that the tasks to be performed as required by the *Order Setting Initial Case Management Conference and ADR Deadlines* would be performed more accurately and efficiently based upon the time modifications included in the attached stipulation.

3. **Disclosure of all previous time modifications (Local Rule 6-2(a)(2)):** The Plaintiff filed its Complaint (Dkt #1) in this matter on October 28, 2010. Defendants' initial deadline to respond to the Complaint was November 26, 2010. On November 24, 2010, the parties filed a stipulation (Dkt #5) to extend that deadline to December 29, 2010; to set the deadline for Plaintiff to file its opposition to any papers filed by Defendants responsive to the Complaint to January 14, 2011; and to set the hearing for such matters for February 4, 2011. The Court so ordered on November 29, 2010 (Dkt #6).

1 On December 15, 2010, the parties filed a stipulation (Dkt #7) to modify the times set
2 in the Court's *Order Setting Initial Case Management Conference and ADR Deadlines* (Dkt #3). The
3 Court so ordered on December 15, 2010 (Dkt #8).

4 On January 26, 2011, the parties filed a Second Stipulation to Revise Schedule (Dkt
5 #21) to modify the times set in the Court's *Order Setting Initial Case Management Conference and*
6 *ADR Deadlines* (Dkt #3). The Court so ordered on January 27, 2011 (Dkt #22).

7 On April 4, 2011, the Court entered an Order (Dkt #24) granting in part and denying
8 in part Defendants' Motion to Dismiss Complaint. As a result of this Order, the parties filed a Joint
9 Stipulation (Dkt # 25) on April 18, 2011 to provide timeframes for Plaintiff to re-plead its Complaint
10 in part and for Defendants to file responsive papers. The Court so ordered on April 18, 2011 (Dkt
11 #26).

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14 4. **Description of the effect the requested time modification would have on the**
15 **schedule for the case (Local Rule 6-2(a)(3)):** The proposed time modifications would extend the
16 time for those matters set in the order issued by the Court (Dkt # 26), but the parties believe doing
17 so would add to the long-term efficient conduct of this case. The tasks to be performed as required by
18 the *Order Setting Initial Case Management Conference and ADR Deadlines* would be performed
19 more accurately and efficiently based upon the time modifications included in the attached
20 stipulation.
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22 I declare under penalty of perjury under the laws of the United States of America that the
23 foregoing is true and correct, and that this Declaration was executed on May 12, 2011 at Miami,
24 Florida.
25

26 /s/ Mitchell S. Fuerst
27 Mitchell S. Fuerst
28 Attorney for Defendant