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10 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
11 San Francisco Division

12 FEDERAL TRADE COMMISSION,

13 Plaintiff,

14 v.

15 WELLNESS SUPPORT NETWORK,
16 INC., a corporation,

17 ROBERT HELD, individually and as
an officer of Wellness Support
18 Network, Inc., and

19 ROBYN HELD, individually and as
an officer of Wellness Support
20 Network, Inc.,

21 Defendants.

Case No. 3:10-cv-4879 JCS

Hearing Date: TBD
Courtroom A, 15th Floor

**JOINT STIPULATION TO
REVISE SCHEDULE**

22 **I. INTRODUCTION AND PROCEDURAL HISTORY**

23 On May 16, 2011, pursuant to a stipulation by the parties to revise the
24 schedule for this matter (Dkt #28), the Court entered an order (Dkt #29)
25 extending by 20 days the deadline for Defendants' responsive pleadings to
26 Plaintiff's First Amended Complaint. The Court's order also extended by 20
27 days the deadlines for the parties to, among other things, meet and confer re
28 initial disclosures, file a Rule 26(f) report, complete initial disclosures, and file a

STIPULATION TO REVISE SCHEDULE 3:10-cv-4879 JCS

1 Case Management Statement. In the parties' stipulation, the parties had
2 requested revision of the schedule due to scheduling conflicts and a desire to
3 perform the tasks required by the *Order Setting Initial Case Management*
4 *Conference* (Dkt. #3) more accurately and efficiently.

5 On June 8, 2011, Defendants filed their *Notice of Motion and Motion to*
6 *Dismiss First Amended Complaint* (Dkt. #30) ("Motion to Dismiss"). The
7 hearing date was set for July 22, 2011. Pursuant to newly revised L.R. 7-3(a)
8 and L.R. 7-3(c), the deadline for Plaintiff's opposition to the Motion to Dismiss
9 would be June 22, 2011, and the deadline for Defendants' reply would be June
10 29, 2011.

11 In addition, on June 13, 2011, the Court, via a Clerk's Notice (Dkt. #31),
12 extended the date for the hearing on Defendants' Motion to Dismiss from July
13 22, 2011 to September 16, 2011. The Court also extended the date of the case
14 management conference to September 16, 2011, and ordered that the case
15 management conference statement be filed by September 9, 2011. The Court
16 reiterated the June 22 and June 29 dates for filing of Plaintiff's opposition to the
17 Motion to Dismiss and any reply by Defendants.

18 Due to scheduling conflicts, and pursuant to L.R. 6-2 and L.R. 7-12, the
19 parties have agreed to, and respectfully request the Court to approve, an
20 extension of one week for filing of Plaintiff's opposition to Defendants' Motion
21 to Dismiss, and an extension of one week for filing of Defendants' reply. In
22 addition, due to the Court's extension of the case management conference and
23 filing of the case management statement, the parties respectfully request that the
24 associated deadlines set in the Court's May 16, 2011 Order (Dkt. #29) be
25 extended as set forth in the schedule below. The hearing date, case management
26 conference date, and case management conference statement date set by the
27 Clerk's Notice (Dkt. #31) would not change.

28 //

1 **II. ~~PROPOSED~~ REVISED SCHEDULE**

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

4 1. Plaintiff's opposition to Defendants' Motion to Dismiss shall be
5 filed no later than June 29, 2011.

6 2. Defendants' reply to Plaintiff's Opposition, if any, shall be filed no
7 later than July 6, 2011.

8 3. The last day to meet and confer regarding initial disclosures, early
9 settlement, ADR process selection, and discovery plan shall be August 26, 2011.

10 4. The last day to file for ADR Certification shall be August 26, 2011.

11 5. The last day to file either a Stipulation to ADR Process or Notice of
12 Need for ADR Phone Conference shall be August 26, 2011.

13 6. The last day to file Rule 26(f) reports, complete initial disclosures or
14 state objections in a Rule 26(f) report, and file a Case Management Statement,
15 shall be September 9, 2011.

16 7. The Initial Case Management Conference shall be held on
17 September 16, 2011 at 9:30 a.m.

18 **III. CONCLUSION**

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

21 Respectfully submitted,

22 DATED: June 15, 2011

_____/s/ Laura Fremont_____

23 LAURA FREMONT
24 KENNETH H. ABBE
25 Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

26 (The filer attests that concurrence in the filing of this document has been
27 obtained from each of the other signatories.)

28 DATED: June 15, 2011

_____/s/Mitchell S. Fuerst_____

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ANDREW S. ITTLEMAN
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Attorneys for Defendants
WELLNESS SUPPORT NETWORK, Inc.,
ROBERT HELD, and ROBYN HELD

DATED: June 15, 2011

_____/s/ Leslie Holmes_____
LESLIE HOLMES
HOLMES & USOZ, LLP
Attorney for Defendants
WELLNESS SUPPORT NETWORK, INC.,
ROBERT HELD, and ROBYN HELD

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 06/15/2011

JOSEPH C. SPERO
UNITED STATES DISTRICT JUDGE

