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 WELLNESS SUPPORT NETWORK, INC.,
 15 ROBERT HELD, and
 16 ROBYN HELD

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

20 FEDERAL TRADE COMMISSION,
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 Plaintiff,
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 v.
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 24 WELLNESS SUPPORT NETWORK, INC., a
 corporation, ROBERT HELD, individually and
 25 as an officer of Wellness Support Network,
 Inc., and ROBYN HELD, individually and as
 26 an officer of Wellness Support Network, Inc.,
 27
 Defendants.
 28

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

**JOINT STIPULATION TO REVISE
 SCHEDULE; DECLARATION OF
 ANDREW S. ITTLEMAN IN SUPPORT**

Hearing Date: TBD
 Courtroom A, 15th Floor

Magistrate Judge: Hon. Joseph C. Spero

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I. INTRODUCTION AND PROCEDURAL HISTORY

On November 9, 2011, pursuant to a stipulation by the parties to revise schedule for this matter, (Dkt. #53), the Court entered an order (Dkt. #54) setting deadlines for, among other things, the exchange of expert reports for settlement purposes and the settlement conference for this matter.

Pursuant to this Court's November 9, 2011 Order, settlement-only expert reports are currently due to be exchanged by January 31, 2012, and the case settlement conference before Magistrate Judge Corley is scheduled for March 14, 2012. (Dkt. #55). Additionally, on December 15, 2011, the Court entered an Order scheduling a case management conference in this matter for April 6, 2012. (Dkt. #61). However, given the volume of information in this matter to be reviewed by the parties' experts, the complexities associated with this case, as well as undersigned counsel's scheduling conflicts, the parties have stipulated to extend these deadlines.

For the reasons set forth above, pursuant to L.R. 6-2 and L.R. 7-12, the parties respectfully request that the deadlines set in the Court's November 9, 2011 Order for the exchange of settlement-only expert reports be extended for a period of 30 days to March 1, 2012. The parties also respectfully request the Court to forward to the Honorable Magistrate Judge Corley the parties' request that the settlement conference scheduled for March 14, 2012, be rescheduled to any day in April of 2012 after April 17. The parties further request that the case management conference currently scheduled for April 6, 2012 be rescheduled to a date after the settlement conference has occurred.

The parties respectfully note that irrespective of the change in dates for the settlement conference and exchange of expert reports for settlement purposes, fact discovery will not be impeded by this proposed revised schedule.

The proposed schedule is set forth below.

1 **II. PROPOSED REVISED SCHEDULE**

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

3 1. The parties shall exchange expert reports for settlement purposes only by March 1,
4 2012.

5 2. The case settlement conference scheduled before Magistrate Judge Corley for March
6 14, 2012, is requested to be reset for a date in April of 2012 after April 17 which is convenient for
7 Magistrate Judge Corley.
8

9 3. The case management conference currently scheduled for April 6, 2012 is rescheduled
10 to a date after the settlement conference has occurred.
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12 **III. CONCLUSION**

13 The parties respectfully request that the Court revise the schedule as set forth above, and
14 submit our request regarding the Settlement Conference date to the Honorable Magistrate Judge
15 Corley.

16 Respectfully submitted,

17 Dated: January 18, 2012

FUERST ITTLEMAN, PL

HOLMES & USOZ, LLP

By: /s/ Andrew S. Ittleman

Andres S. Ittleman

Mitchell S. Fuerst

Attorneys for Defendants, WELLNESS
SUPPORT NETWORK, ROBERT HELD, and
ROBYN HELD

By: /s/ Leslie Holmes

Leslie Holmes

Attorney for Defendants, WELLNESS
SUPPORT NETWORK, ROBERT HELD, and
ROBYN HELD

1 Dated: January 18, 2012

FEDERAL TRADE COMMISSION

2 By: /s/ Laura Fremont

3 Laura Fremont

4 Kenneth H. Abbe

5 Attorney for Plaintiff, FEDERAL TRADE
6 COMMISSION

7 PURSUANT TO STIPULATION, IT IS SO ORDERED

8 DATED: January 23, 2012

9 
10 _____
11 ~~JOSEPH C. SPERO~~
12 UNITED STATES MAGISTRATE JUDGE
13 Jacqueline Scott Corley

14 The settlement conference scheduled for March 14, 2012 is vacated and rescheduled to
15 May 4, , 2012 at 9:30 a.m. before Magistrate Judge Corley. The settlement conference
16 order issued on September 16, 2011 remains in effect.
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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).

12 On May 12, 2011, the parties filed a *Joint Stipulation to Revise Schedule* (Dkt. #28) to
13 extend by 20 days the time for Defendants to file pleadings responsive to Plaintiff's *First Amended*
14 *Complaint* (Dkt. #27), and to extend by 20 days the deadlines for the parties to perform the tasks
15 required by the Court's case management orders. The Court so ordered on May 16, 2011. (Dkt. #29).

16 On June 15, 2011, the parties filed a *Joint Stipulation* (Dkt. # 32) to extend the
17 deadlines for the Plaintiff to file its opposition to Defendants' Motion to Dismiss, the Defendants'
18 reply, and the deadlines for the parties to perform the tasks required by the Court's case management
19 orders. The Court so ordered on June 16, 2011. (Dkt. # 33).

20 On June 28, 2011, the parties filed a *Joint Stipulation to Revise Schedule* (Dkt. # 34) to
21 extend the deadlines for the Defendants to file their Reply to Plaintiff's Opposition to Defendants'
22 Motion to Dismiss. The Court so ordered on June 29, 2011. (Dkt. # 36).

