

1 RICHARD T. BOWLES (# 46234)
 2 BRADLEY R. BOWLES (# 202722)
 3 MICHAEL P. CONNOLLY (# 238478)
BOWLES & VERNA LLP
 4 2121 N. California Boulevard, Suite 875
 Walnut Creek, California 94596
 5 Telephone: (925) 935-3300
 Facsimile: (925) 935-0371
 6 Email: rbowles@bowlesverna.com
 bbowles@bowlesverna.com

7 Attorneys for Plaintiffs DATA MARK, INC. dba DELTATRAK TECHNOLOGIES,
 8 a California corporation, FREDERICK L. WU, an individual

9 Andres F. Quintana (SBN 190525)
 John M. Houkom (SBN 203240)
 10 **QUINTANA LAW GROUP**
 A Professional Law Corporation
 11 26135 Mureau Road, Suite 101
 Calabasas, California 91302
 12 Telephone: (818) 914-2100
 13 Facsimile: (818) 914-2101
 E-mail: andres@qlglaw.com
 14 john@qlglaw.com

15 Attorneys for Defendants Brain Tunnelgenix Technologies Corp.,
 16 Marcio Abreu, Joseph Titone, and Titronics Research & Development Co., Inc.

17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**

19 DATA MARK, INC. dba DELTATRAK)
 TECHNOLOGIES, a California corporation;)
 20 FREDERICK L. WU, an individual,)
 21 Plaintiffs,)
 22 vs.)
 23 BRAIN TUNNELGENIX TECHNOLOGIES)
 CORP. f/k/a ETERLINK INTERNATIONAL)
 24 CORPORATION, et al.,)
 25 Defendants.)
 26)
 27)
 28)

CASE NO. 3:C10-CV-04958-JSW
**JOINT STIPULATION AND REQUEST
 TO CONTINUE THE INITIAL CASE
 MANAGEMENT CONFERENCE AND
 DEFENDANTS' RESPONSE DATE;
~~PROPOSED~~ ORDER**
 Dept.: 11, 19th Floor
 Judge: Hon. Jeffrey S. White
 Action Filed: November 2, 2010
 Trial Date: Not Set
 Complaint filed: November 2, 2010
 First Amended Complaint filed: January 13,
 2011

1 Pursuant to Northern District Local Rule 16-2(d) and (e) and Rule 7-12, plaintiffs Data
2 Mark, Inc. dba DeltaTrak Technologies and Frederick L. Wu (collectively, "Plaintiffs") and
3 defendants Brain Tunnelgenix Technologies Corp. f/k/a Eterlink International Corporation,
4 Marcio Aurelio Martins Abreu a/k/a M. Marc Abreu, M.D., Joseph Roger Titone, and Titronics
5 Research & Development Co., Inc. (collectively, "Defendants"), by and through their counsel of
6 record, stipulate as follows:

7 **RECITALS**

8 On April 15, 2011, the parties filed a Joint Stipulation And Request to Continue Initial
9 Case Management Conference from May 6, 2011 to July 15, 2011, in light of the pending Motions
10 and because the parties had scheduled a mediation before the Hon. Beverly Hodgson (Ret.), in
11 New Haven, Connecticut for May 17, 2011. On April 18, 2011, the Court issued an order
12 continuing the Initial Case Management Conference to July 15, 2011 at 1:30 p.m.

13 On May 17, 2011, the mediation took place in New Haven, Connecticut. All parties and
14 their respective counsel appeared at the mediation.

15 Although no settlement of this case was reached at the May 17th mediation, the parties
16 continued to discuss the possibility of resolving this case informally rather than proceeding further
17 into litigation.

18 On June 23, 2011, the parties filed another Joint Stipulation And Request to Continue
19 Initial Case Management Conference from July 15, 2011 to September 23, 2011, in light of the
20 then-pending jurisdictional motions and on-going settlement discussions between the parties. On
21 June 27, 2011, the Court issued an order continuing the Initial Case Management Conference to
22 September 23, 2011 at 1:30 p.m.

23 On August 18, 2011, the Court issued an order denying the Defendants' jurisdictional
24 motions.

25 With respect to the settlement posture, the parties have exchanged drafts of a proposed
26 confidential settlement agreement and release and expect to conduct further settlement discussions
27 and exchange further drafts of a proposed agreement. Given the number of parties and
28 comprehensive issues that need to be addressed and confirmed in a written agreement in order to

1 achieve a global resolution of this case, the parties believe that at least another sixty (60) days are
2 needed.

3 In the interest of saving time, expense and the Court's resources, the parties believe that a
4 brief, further continuance of the initial case management conference and associated deadlines,
5 including Rule 26(a) and (f) disclosures and conferences, as well as the continuance of the
6 responsive date of the Defendants, is appropriate.

7 Plaintiffs and Defendants therefore respectfully request that the Court grant a continuance
8 of the September 23, 2011 Case Management Conference to December 2, 2011, or any date
9 thereafter that is convenient for the Court's calendar, by signing the Proposed Order filed
10 herewith. The Defendants further request that the Court approve the extension of the date for
11 them to file and serve their responsive pleading to the First Amended Complaint to November 1,
12 2011. The Plaintiffs have stipulated to this extension, subject to this Court's approval.

13 Lead counsel for Defendants, Andres Quintana, Esq., is unavailable on December 23 and
14 30 due to an out-of-state trip.

15 Thus, counsel for Plaintiffs and Defendants would respectfully request December 2, 2011
16 for the Case Management Conference or any date thereafter that is convenient for the Court's
17 calendar.

18 **STIPULATION**

19 Based on the foregoing Recitals, Plaintiffs and Defendants agree and stipulate as follows:

20 1. The initial case management conference presently scheduled for September 23,
21 2011 at 1:30 p.m. shall, with the Court's approval, be continued to December 2, 2011 at 1:30 p.m.
22 or any convenient date thereafter;

23 2. The parties shall submit a joint case management statement 5 days in advance of
24 the date of the further case management conference;

25 3. All deadlines related to the initial case management conference date, including
26 Rule 26(a) and (f) disclosures and conferences, shall be reset to coordinate with the new initial
27 case management conference date set by the Court; and
28

PROPOSED ORDER


PURSUANT TO THE FOREGOING STIPULATION, IT IS ORDERED THAT:

1. The initial case management conference presently scheduled for September 23, 2011 at 1:30 p.m. shall be continued to December 2, 2011 at 1:30 p.m.;
2. The parties shall submit a joint case management statement 5 days in advance of the date of the further case management conference;
3. All deadlines related to the initial case management conference date, including Rule 26(a) and (f) disclosures and conferences, shall be reset to coordinate with the new initial case management conference date set by the Court;
4. The Defendants have up to and through November 1, 2011 to file and serve their responsive pleading to the Plaintiffs' First Amended Complaint.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 30, 2011

By:


Hon. Jeffrey S. White
United States District Judge