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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOINT STATUS REPORT

1 STEPHAN JENKINS, an individual; THIRD  
2 EYE BLIND, INC., a California corporation;  
3 3EB TOURING, INC., a California  
4 corporation; and STEPHAN JENKINS  
5 PRODUCTIONS, INC., a California  
6 corporation,

7 Plaintiffs,

8 vs.

9 THOMAS IRVING MANDELBAUM, an  
10 individual; SELVERNE, MANDELBAUM &  
11 MINTZ, LLP, a New York limited liability  
12 partnership; HISCOCK & BARCLAY, LLP, a  
13 New York limited liability partnership; and  
14 DOES 1 through 500, inclusive,

15 Defendants.

16 HISCOCK & BARCLAY, LLP, a New York  
17 limited liability partnership,

18 Counter-Claimant,

19 vs.

20 STEPHAN JENKINS, an individual; THIRD  
21 EYE BLIND, INC., a California corporation;  
22 3EB TOURING, INC., a California  
23 corporation; and STEPHAN JENKINS  
24 PRODUCTIONS, INC., a California  
25 corporation,

26 Counter-Defendants.

27 COME NOW, all of the parties to the above action, through their undersigned counsel,  
28 and file this updated status conference statement for the status conference to be held on  
February 28, 2013, pursuant to the Clerk's January 11, 2013 notice resetting status conference:

**I. Status of the Action.**

A settlement conference was held in this matter on January 8, 2013 with Magistrate  
Judge Jacqueline Scott Corley. The parties and/or their carrier representatives were in  
attendance. The case did not settle on that date, but the conference was continued and  
reconvened on January 9, 2013, at which time the case did settle as to all parties except Hiscock

Case No.: CV-11-0211 EMC

**JOINT STATUS CONFERENCE  
STATEMENT ; ORDER ALLOWING SANJIT**

**Date:** February 28, 2013  
SHAH TO APPEAR BY  
PHONE

**Time:** 10:30 a.m.

**Place:** United States District Court, N.D. Cal.

Courtroom 5 – 17<sup>th</sup> Floor

450 Golden Gate Avenue

San Francisco, CA 94102

Hon. Edward M. Chen, Presiding  
(E-filing)

1 & Barclay, LLP. The general terms of settlement were reported to Judge Corley. A long-form  
2 settlement agreement was subsequently negotiated by counsel. As of the date of the filing of  
3 this status conference statement, the parties are awaiting full execution of the settlement  
4 documentation, and anticipate that a stipulation of dismissal with prejudice as to Defendants  
5 Thomas I. Mandelbaum and Selverne, Mandelbaum & Mintz, LLP only will be filed once the  
6 consideration for the settlement is paid. Settlement discussions are continuing with Judge  
7 Corley as between Plaintiffs and Hiscock & Barclay, LLP, and if the parties are unable to settle  
8 the matter on their own, Judge Corley will schedule another session of the settlement  
9 conference. The trial date has been vacated. No new trial date can be set until the *Fredianelli v.*  
10 *Jenkins* action, being Case No. 11-3232, is resolved. The parties are agreeable to having Sanjit  
11 Shah, of Mound, Cotton, Wollan & Greengrass, counsel to Defendants Thomas I. Mandelbaum  
12 and Selverne, Mandelbaum & Mintz, LLP, appear by telephone for the status conference and  
13 respectfully request that he be permitted to do so.

14 IDELL & SEITEL LLP

15 Dated: February 21, 2013

16 By: /s/

17 Richard J. Idell  
18 Ory Sandel  
19 *Attorneys for Plaintiffs and Counter-Defendants*  
20 *Stephan Jenkins, Third Eye Blind, Inc., 3EB*  
21 *Touring, Inc. and Stephan Jenkins Productions, Inc.*

22 MOUND, COTTON, WOLLAN & GREENGRASS

23 Dated: February 21, 2013

24 By: /s/

25 Kenneth M. Labbate  
26 Sanjit Shah

27 Joseph M. Rimac  
28 William Reilly  
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*and Selverne, Mandelbaum, & Mintz, LLP*

MURPHY, PEARSON, BRADLEY & FEENEY

Dated: February 21, 2013

By: /s/ \_\_\_\_\_

James A. Murphy  
John P. Girarde  
*Attorneys for Defendant and Cross-Claimant  
Hiscock & Barclay, LLC*

**ATTESTATION OF CONCURRENCE**

I, Richard J. Idell, as the ECF user and filer of this document, attest that, pursuant to General Order No. 45(X)(B), concurrence in the filing of this document has been obtained from Sanjit Shah and John Girarde, the above signatories.

IDELL & SEITEL LLP

Dated: February 21, 2013

By: /s/ \_\_\_\_\_

Richard J. Idell  
Ory Sandel  
*Attorneys for Plaintiffs and Counter-Defendants  
Stephan Jenkins, Third Eye Blind, Inc., 3EB  
Touring, Inc. and Stephan Jenkins Productions, Inc.*

IT IS SO ORDERED that Sanjit Shah is allowed to appear by phone. The Court will call Mr. Shah between 10:30 and 11:30 a.m.

Edward M. Chen  
U.S. District Judge

