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15	Attorneys for Defendant CafePress Inc. formerly known as CafeP	Press.com, Inc.	
16			
17	UNITED STATES DISTRICT COURT		
18	NORTHERN DISTRICT OF CALIFORNIA		
19	NORTHERN DISTRICT OF CALIFORNIA		
20	SAN FRANCISCO DIVISION		
21			
22	THE DR. HUEY P. NEWTON	Case No. CV-11-04208-SI	
23	FOUNDATION, INC.,		
24	Plaintiff,	STIPULATION AND [P <del>ROPOSE</del> D] ORDER RE: EXTENDING THE DEADLINE FOR ADR PROCESS	
25	VS.		
26	CAFEPRESS INC.,		
27	Defendant.		
28			

1	Plaintiff The Dr. Huey P. Newton Foundation, Inc. ("Plaintiff") and	
2	Defendant CafePress Inc. ("CafePress") hereby stipulate, subject to the Court's	
3	approval, that the mediation set for this case pursuant to Civil L.R. 16-8 and ADR	
4	L.R. 3-5 be extended four days beyond the 90-day deadline set forth in the Court's	
5	Order of October 26, 2011. (Docket No. 50). The current 90-day deadline for the	
6	parties to participate in an ADR session is January 23, 2012. The parties, all	
7	counsel and the mediator have conferred and are available for mediation	
8	commencing on January 26, 2012 and potentially continuing on the morning of	
9	January 27, and ask that the Court extend the parties' deadline to hold an ADR	
10	session until January 27, 2012 to accommodate such mediation.	
11	As set forth in the accompanying Declaration of Shannon S. King, the parties	
12	have good cause for stipulating to this short extension under ADR. L.R. 6-6 based	
13	on the following:	
14	1. The parties have scheduling conflicts that make holding a mediation	
15	within the 90-day timeframe unfeasible.	
16	2. The mediator selected to preside over the mediation is unavailable	
17	from December 12, 2011 through January 9, 2012 for medical reasons.	
18	3. The extension requested would enable the parties to hold the mediation	
19	session only four days past the current 90 day deadline of January 23, 2012.	
20	4. This is the first extension of time requested for the ADR process.	
21	Both parties, all counsel and the mediator are available to participate in a	
22	mediation on Thursday, January 26, 2012 and the morning of January 27, and plan	
23	to hold such mediation on that date, subject to the Court's approval of this	
24	stipulation. THEREFORE, the parties stipulate and jointly request that the 90-	
25	day deadline under ADR L.R. 6-4(b) set forth in the Court's order dated	
26	October 26, 2011, be extended to January 27, 2012.	
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1	Respectfully Submitted,	
2	Dated: December 2, 2011 THE LAW OFFICE OF ROBERT J. BERNSTEIN	
3		
4	By: <u>/s/ Robert J. Bernstein</u> Robert J. Bernstein	
5	Attorneys for Plaintiff The Dr. Huey P. Newton Foundation, Inc.	
6 7	Dated: December 2, 2011 MANATT PHELPS & PHILLIPS LLP	
8	By: <u>/s/ Shannon S. King</u> Shannon S. King	
9		
9 10	Attorneys for Defendant CafePress Inc. formerly known as CafePress.com, Inc.	
11	Pursuant to General Order No. 45, Section X(B), Shannon S. King hereby attests that concurrence in the filing of this document has been obtained from Robert J.	
12	that concurrence in the filing of this document has been obtained from Robert J. Bernstein.	
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15		
16	[PROPOSED] ORDER	
17	PURSUANT TO STIPULATION, IT IS SO ORDERED that the deadline for	
18	commencing the mediation under ADR L.R. 6-4(b) is hereby continued from	
19 20	January 23, 2011, to January 27, 2012.	
20 21		
21	Jacob Suran Maton	
22	Dated:12/6/11 Honorable Susan Illston	
23	U.S. District Court Judge	
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## **DECLARATION OF SHANNON S. KING IN SUPPORT OF STIPULATION**

I, Shannon. S. King, declare as follows:

I am an attorney-at-law, a member in good standing of the State Bar of
 California, and an associate at the law firm of Manatt, Phelps & Phillips, LLP,
 counsel of record for defendant CafePress Inc. formerly known as CafePress.com,
 Inc. ("CafePress"). I have personal knowledge of the matters set forth in this
 Declaration and if called upon to testify, I could and would testify competently
 thereto. This Declaration is submitted in support of the stipulation to extend the
 deadline for ADR process.

The parties in this litigation have scheduling conflicts that make
 holding a mediation within the 90-day timeframe set forth in the Court's Order of
 October 26, 2011, unfeasible.

3. On information and belief, the mediator selected to preside over the
mediation is unavailable from December 12, 2011 through January 9, 2012 for
medical reasons.

4. The extension requested would enable the parties to hold the mediation
session on January 26-27, 2011, only four days past the current 90 day deadline of
January 23, 2012.

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5. This is the first extension of time requested for the ADR process.

I declare under penalty of perjury under the laws of the United States of
America and the State of California that the foregoing is true and correct. Executed
this 2nd day of December, 2011 at San Francisco, California.

<u>/s/Shannon S. King</u> Shannon S. King

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