

1 **GAUNTLETT & ASSOCIATES**
 David A. Gauntlett (SBN 96399)
 2 James A. Lowe (SBN 214383)
 Andrew M. Sussman (SBN 112418)
 3 18400 Von Karman, Suite 300
 Irvine, California 92612
 4 Telephone: (949) 553-1010
 Facsimile: (949) 553-2050
 5 info@gauntlettlaw.com
jal@gauntlettlaw.com
 6 ams@gauntlettlaw.com

7 Attorneys for Plaintiffs
 LOPEZ TAX SERVICE, INC., CARLOS C.
 8 LOPEZ, KRISTEENA S. LOPEZ, and LATINO
 TAX PROFESSIONALS ASSOCIATION, LLC
 9

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**
 13

14 LOPEZ TAX SERVICE, INC., a California)
 corporation, CARLOS C. LOPEZ, an)
 15 individual, KRISTEENA S. LOPEZ, an)
 individual, and LATINO TAX)
 16 PROFESSIONALS ASSOCIATION, LLC,)
 a California limited liability company,)
 17)
 Plaintiffs,)
 18)
 vs.)
 19)
 THE INCOME TAX SCHOOL, INC., a)
 20 Virginia corporation,)
)
 21 Defendant.)
 22

Case No. CV12-0654-JSW
 Hon. Jeffrey S. White
**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE HEARING OF
 PLAINTIFFS' MOTION TO DISMISS AND
 OF CASE MANAGEMENT CONFERENCE**

1 Plaintiffs Lopez Tax Service, Inc., Carlos C. Lopez, Kristeena S. Lopez and Latino Tax
2 Professionals Association, LLC (collectively “Plaintiffs”), on one hand, and Defendant The Income
3 Tax School, Inc. (“Defendant”), on the other hand, by and through their respective counsel, hereby
4 stipulate and agree to the following subject to the approval of the Court.

5 WHEREAS, in this lawsuit (by Plaintiffs for declaratory relief about Defendant’s alleged
6 copyrights and related torts) Defendant has filed a motion [Docket No. 8] to dismiss this lawsuit or
7 to stay it or transfer it to the Eastern District of Virginia (where Defendant’s lawsuit for copyright
8 infringement and related torts against Plaintiffs herein (the “*Virginia* action”) is now pending); and

9 WHEREAS, by Notice of Electronic Filing entered August 1, 2012, the Court (Hon. Jeffrey
10 S. White, U.S. District Judge, presiding) set the hearing of Defendant’s motion to dismiss to take
11 place on September 7, 2012 at 9:00 a.m.; and

12 WHEREAS, by order entered July 2, 2012 [Docket No. 16] the Court set this lawsuit’s Case
13 Management Conference to take place on September 7, 2012 at 1:30 p.m.; and

14 WHEREAS, on July 13, 2012 Plaintiffs’ motion to dismiss the *Virginia* action (on the
15 grounds of lack of personal jurisdiction of the Eastern District of Virginia over Plaintiffs and related
16 inadequate service of process) was heard; and

17 WHEREAS, the Court has not yet ruled on Plaintiffs’ Motion to Dismiss the *Virginia* Action
18 and it cannot be determined with certainty when that Court will rule; and

19 WHEREAS, the outcome of the *Virginia* action Motion to Dismiss by Plaintiffs herein may
20 well affect this Court’s ruling on Defendants’ Motion to Dismiss herein (because, e.g., if the
21 *Virginia* action Court rules that the Eastern District of Virginia lacks personal jurisdiction over
22 Plaintiffs herein then it would be improper to transfer this lawsuit to Virginia as Defendant herein
23 requests); and

24 WHEREAS, judicial and party economy would both be furthered by continuing the hearing
25 of Defendants’ Motion to Dismiss and this lawsuit’s Case Management Conference because: (1) a
26 continuance will provide more time for the Eastern District of Virginia to rule on the motion to
27 dismiss the *Virginia* action; and (2) the effort and expense of preparing for the Case Management
28 Conference should be deferred until it is determined with greater certainty whether or not this

1 lawsuit is likely to be dismissed or transferred to Virginia; and

2 WHEREAS, no previous requests to continue either the hearing of Defendants' motion
3 where the Case Management Conference had been sought or granted; and

4 WHEREAS, the time modifications requested herein would continue the ultimate resolution
5 of this lawsuit by not more than seven weeks (the amounts of the continuance requested herein).

6 NOW THEREFORE, subject to the approval of the Court the parties stipulate and agree that:

7 1. The hearing of Defendant's Motion to Dismiss this lawsuit shall be continued from
8 September 7, 2012 at 9:00 a.m. in Courtroom 11 to October 19, 2012 at the same time and place.

9 2. The Case Management Conference for this lawsuit shall be continued from
10 September 7, 2012 at 1:30 p.m. in Courtroom 11 to October 19, 2012 at the same time and place.

11
12 Dated: August_6, 2012

GAUNTLETT & ASSOCIATES

13 By: /s/ Andrew M. Sussman
14 David A. Gauntlett
15 James A. Lowe
16 Andrew M. Sussman

17 Attorneys for Plaintiffs
18 LOPEZ TAX SERVICE, INC., CARLOS C.
19 LOPEZ, KRISTEENA S. LOPEZ, and LATINO
20 TAX PROFESSIONALS ASSOCIATION, LLC

21
22 Dated: August 6, 2012

Nicholas Ranallo, Attorney at Law

23 By: /s/ Nicholas Ranallo
24 Nicholas Ranallo

25 Christopher E. Gatewood [*Pro Hac Vice Pending*]
26 THRESHOLD COUNSEL, PC

27 The hearing on the pending motion to dismiss and the case management conference are HEREBY
28 CONTINUED to October 26, 2012 at 9:00 a.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

29 Dated: August 7, 2012


UNITED STATES DISTRICT JUDGE