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21 Early Neutral Evaluator

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22 **UNITED STATES DISTRICT COURT**
 23 **NORTHERN DISTRICT OF CALIFORNIA**
 24 **SAN FRANCISCO DIVISION**

25 LOPEZ TAX SERVICE, INC., et al.,

26 Plaintiffs,

27 vs.

28 THE INCOME TAX SCHOOL, INC.,

Defendant.

) Case No.: CV12-02654-JSW

) **STIPULATION AND [PROPOSED]**
) **ORDER TO EXTEND EARLY NEUTRAL**
) **EVALUATION DEADLINE**

) **[Civ. L.R. 7-12]**

1 Pursuant to Civ. L.R. 7-12, Plaintiffs LOPEZ TAX SERVICE, INC., CARLOS C. LOPEZ,
2 KRISTEENA S. LOPEZ and LATINO TAX PROFESSIONALS ASSOCIATION, LLC,
3 (collectively “Lopez”), Defendant THE INCOME TAX SCHOOL, INC. (“ITS”), and Early Neutral
4 Evaluator William A. Fenwick (“Evaluator”) hereby stipulate and agree to request an extended
5 deadline to complete Early Neutral Evaluation in this case. This stipulation is based on the
6 following:

7 1) Following depositions taken by each side in January, and the exchange of certain
8 documents in discovery, the Parties and counsel for Lopez’s insurer met and participated in the Early
9 Neutral Evaluation (“ENE”) process on January 29, 2013.

10 2) At that ENE session, the Parties and Evaluator agreed that any meaningful evaluation
11 would require document discovery and review, so that ITS could more completely present its
12 preliminary case for infringement, and so that Lopez could have an opportunity to respond to that
13 case.

14 3) The Parties, their counsel, and the Evaluator have agreed to continue the ENE
15 process, as follows: On or before March 31, 2013, ITS will submit to the Evaluator, counsel for
16 Lopez, and participating counsel for Lopez’s insurer, a chart summarizing its claims of infringement
17 (work by work) versus the Lopez works, and supporting documentation. On or before April 30,
18 2013, Lopez will submit to the Evaluator, counsel for ITS, and participating counsel for Lopez’s
19 insurer, the Lopez response.

20 4) Thereafter, the Evaluator will submit his findings to the Parties and to participating
21 counsel for Lopez’s insurer, in a report via email. The Parties and the Evaluator anticipate that this
22 process will be complete on or before the discovery cutoff date of June 3, 2013.

1 Dated: February 26, 2013

GAUNTLETT & ASSOCIATES

By: /s/ James A. Lowe

David A. Gauntlett
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Attorneys for Plaintiffs
Lopez Tax Service, Inc., Carlos C. Lopez,
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7 Dated: February 26, 2013

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15 Dated: February 27, 2013

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Early Neutral Evaluator

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 Dated: March 1, 2013

Jeffrey S White
UNITED STATES DISTRICT JUDGE