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 7

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN FRANCISCO DIVISION**

11 DATATECH ENTERPRISES, LLC, a)
 12 Nevada Limited Liability Company,)
 13 Plaintiff,)

14 vs.)

15 FF MAGNAT LIMITED d/b/a)
 16 ORON.COM, STANISLAV)
 17 DAVIDOGLOV, and JOHN DOE a/k/a)
 18 ROMAN ROMANOV (an alias); and)
 19 Defendants.)

Case No.: 2-12-4500 CRB

**STIPULATION AND ORDER
 RE SCHEDULING**

21 This Stipulation is entered by and between Plaintiff DataTech Enterprises, LLC and
 22 Defendant FF Magnat Limited d/b/a oron.com (“Oron”) through their respective counsel of
 23 record, with reference to the following facts:
 24

25 1. Defendants Oron and Stanislav Davidoglav filed a motion to Dismiss for Lack
 26 of Personal Jurisdiction on 12/7/2012. At a Case Management Conference on 12/7/2012, the
 27

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1 Court ordered that Plaintiff would be permitted to take discovery on the issue of personal
2 jurisdiction prior to preparing its opposition to the Motion to Dismiss. The Court further
3 ordered the Parties to meet and confer to set briefing deadlines and a hearing date on the
4 Motion to Dismiss.

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6 2. Plaintiff served discovery requests on Oron and responses are due on February
7 5, 2013.

8 3. Plaintiff noticed a Motion to Extend the Order of Preliminary Injunction for oral
9 argument on January 25, 2013.

10 4. Defendant noticed a Motion for Relief from Preliminary Injunction with a
11 hearing date for oral argument on February 15, 2013.

12 5. On January 21, 2013, the Clerk of the Court issued a Notice setting a briefing
13 schedule on Defendant's Motion to Dismiss and calendaring oral argument on the Motion to
14 Dismiss. See ECF No. 72. The text of the docket entry referred not to Defendants' Motion to
15 Dismiss but to Plaintiff's Motion to Extend the Order of Preliminary Injunction. Moreover,
16 the dates on the Clerk's Notice were inconsistent with the date within the Docket Text.
17 Separately, the Clerk made a Docket Entry with no document attached setting the Motion to
18 dismiss for Lack of Personal Jurisdiction for hearing on 2/15/2013. The Parties believe it was
19 the Court's intention to set February 15, 2013 as the date for oral argument on all three
20 motions.
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1 6. At the time the Clerk issued the calendaring Notice, the Parties were in
2 discussions attempting to coordinate the three motions with an Early Neutral Evaluation
3 (ENE) so that Defense counsel would only have to travel from Boston once.

4 7. Plaintiff's counsel will be attending a professional conference in New Orleans
5 on February 15, 2013. Hotel accommodations were prepaid and non-refundable. Flights
6 were purchased through priceline.com and thus are also non-refundable.

7 8. Defense counsel has family vacations scheduled during school breaks in
8 Februray.
9

10 9. The Court is not available on February 1, 2013, March 15, 2013, and March 22,
11 2013.
12

13 10. The Court set a deadline for completing an Early Neutral Evaluation (ENE) by
14 February 25, 2013.
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16 11. Due to holiday vacation schedules the Parties and Neutral Evaluator were not
17 able to meet to set a date for the ENE until recently. The Parties and the Neutral Evaluator
18 were able to agree to a mutually satisfactory date that is slightly after the current deadline -
19 March 11, 2012.
20

21 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED** that

22 1. Oral argument on Plaintiff's Motion to Extend Order of Preliminary Injunction,
23 Defendants' Motion to Dismiss for Lack of Personal Jurisdiction, and Defendant's Motion for
24 Relief from Preliminary Injunction shall all be held on March 8, 2013 at 10:00 a.m.;

1 2. Plaintiff's Opposition to Defendant FF Magnat Limited's Motion to Dismiss for
2 Lack of Personal Jurisdiction shall be due on February 22, 2013;

3 3. Oron's Reply to the Opposition shall be due on March 1, 2013;

4 4. Plaintiff's Opposition to Oron's Motion for Relief from Preliminary Injunction
5 remains due on January 28, 2013. Oron's Reply remains due on March 4, 2013;

6 5. The date for completion of ADR in the form of an Early Neutral Evaluation is
7 continued from February 25, 2013 to March 12, 2013.

8 6. The parties do not request a hearing on the entry of this Stipulation. However,
9 to the extent the Court wishes to conduct such a hearing, Plaintiff does assent to Oron's
10 counsel appearing for that hearing telephonically.

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12 **SO STIPULATED**

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16 Dated: January 25, 2013

/s/ D. Gill Sperlein

D. GILL SPERLEIN
THE LAW OFFICE OF D. GILL SPERLEIN
Attorney for Plaintiff DataTech Enterprises, LLC

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21 Dated: *January 25, 2013*

/s/ Valentin Gurvits

VALENTIN GURVITS
BOSTON LAW GROUP, PC
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Stanislav Davidoglav

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ORDER

Having considered the above Stipulation and finding good cause therefore it is **SO ORDERED.**

IT IS SO ORDERED.

DATED: January 28, 2013

