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 6 CONSULTING, LLC and SMART &  
 ASSOCIATES, LLP  
 7

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10

11 RELIANCE GLOBALCOM SERVICES,  
 12 INC.,

13 Plaintiff,

14 v.

15 SMART BUSINESS ADVISORY AND  
 CONSULTING, LLC and SMART &  
 16 ASSOCIATES, LLP,

17 Defendants.

Case No. C 12-05950 SI

**STIPULATION TO CONTINUE CASE  
 MANAGEMENT CONFERENCE**

Scheduled Date: March 15, 2013  
 Requested Date: March 29, 2013

18

19 Plaintiff Reliance GlobalCom Services, Inc. and defendants Smart Business Advisory and  
 20 Consulting, LLC and Smart & Associates, LLP (the "Stipulating Parties") hereby stipulate to and  
 21 respectfully request that the Court continue the Case Management Conference in this action  
 22 scheduled for March 15, 2013 to March 29, 2013. In furtherance of this Stipulation, the  
 23 Stipulating Parties state as follows:

24 1. The Case Management Conference in this action was originally scheduled for  
 25 March 1, 2013.

26 2. On January 28, 2013, the defendants filed a motion to dismiss this action for lack  
 27 of subject matter jurisdiction, or, alternatively, to dismiss or stay this action in light of the first-  
 28 filed related state action (the "Original Motion to Dismiss"). See Dkt. # 18. The hearing on the

1 Original Motion to Dismiss was originally scheduled for March 15, 2013.

2 3. On February 6, 2013, the Stipulating Parties filed a stipulation to continue the  
3 Case Management Conference in this action from March 1, 2013 to March 15, 2013 to coincide  
4 with the originally scheduled hearing on the Original Motion to Dismiss to conserve time, effort,  
5 and the resources of the Court and the Stipulating Parties by avoiding two hearings and the need  
6 for counsel for the Stipulating Parties to appear before this Court on both March 1 and 15, 2013.  
7 See Dkt. # 23.

8 4. On February 8, 2013, the Court, pursuant to the Stipulating Parties' February 6,  
9 2013 stipulation, entered an Order continuing the Case Management Conference from March 1,  
10 2013 to March 15, 2013. See Dkt. # 25. The Case Management Conference is, therefore,  
11 currently scheduled for March 15, 2013.

12 5. On February 11, 2013, the plaintiff filed an amended complaint in this action. See  
13 Dkt. # 26.

14 6. On February 28, 2013, Smart & Associates, LLP filed a motion to dismiss the  
15 amended complaint for failure to join an indispensable party and for lack of subject matter  
16 jurisdiction, or, in the alternative to dismiss or stay this action in light of the first-filed related  
17 state action (the "Motion to Dismiss the Amended Complaint"). See Dkt. # 33.

18 7. On February 28, 2013, the Court consolidated for hearing on March 29, 2013 the  
19 Original Motion to Dismiss and the Motion to Dismiss the Amended Complaint, thereby  
20 continuing the March 15, 2013 hearing on the Original Motion to Dismiss. See Dkt. # 36.

21 8. The Stipulating Parties hereby stipulate to a continuance of the Case Management  
22 Conference currently scheduled for March 15, 2013 to March 29, 2013, the same date of the  
23 consolidated hearing on the Original Motion to Dismiss and the Motion to Dismiss the Amended  
24 Complaint.

25 9. The Stipulating Parties agree that continuing the Case Management Conference to  
26 March 29, 2013 will conserve time, effort, and the resources of the Court and the Stipulating  
27 Parties by avoiding two hearings and the need for counsel for the Stipulating Parties to appear  
28 before this Court on both March 15 and 29, 2013.

1 NOW THEREFORE, the Stipulating Parties respectfully request that the Court continue  
2 the Case Management Conference in this action from March 15, 2013 to March 29, 2013.

3 Dated: March 1, 2013

4 Respectfully submitted,

5 FOX ROTHSCHILD LLP

6 By: /s/Jeffrey D. Polsky  
7 JEFFREY D. POLSKY

8 Attorneys for Defendants  
9 SMART BUSINESS ADVISORY AND  
10 CONSULTING, LLC and SMART &  
11 ASSOCIATES, LLP

12 -and-

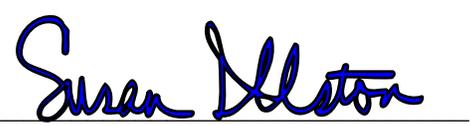
13 ARMSTRONG TEASDALE, LLP

14 By: /s/ Daniel Sakaguchi  
15 DANIEL SAKAGUCHI

16 Attorney for Plaintiff  
17 RELIANCE GLOBALCOM SERVICES, INC.

18 **PURSUANT TO THIS STIPULATION, IT IS SO ORDERED**

19 Dated: 3/5/13



Hon. Susan Illston  
United States District Judge