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7 Attorneys for Defendants

Sanat Kumar Sethy, Geetup, Inc.,

8 and Geetup Systems, Inc.

9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA**

11 **San Francisco Division**

12
13 CLOCKWARE INC.,

14 Plaintiff,

15 v.

16 SANAT KUMAR SETHY et al.,

17 Defendants.

Case Number: 13-CV-00672 JSW

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE THE CASE
MANAGEMENT CONFERENCE**

Honorable Jeffrey S. White

19 IT IS HEREBY STIPULATED between Plaintiff Clockware Inc. (“Clockware”) and
20 Defendants Sanat Kumar Sethy, Geetup, Inc., and Geetup Systems, Inc. (collectively,
21 “Defendants”) (“Parties”), acting through their respective counsel, that:

22 1. On February 14, 2013, Clockware filed a Complaint against Defendants.
23 Defendants acknowledge notice of the suit, and stipulate to the receipt of the same. Defendants
24 have not answered the Complaint. The court-ordered deadline to answer expired on October 31,
25 2013.
26

27
28 **Stipulation and ~~Proposed~~ Order To
Continue Case Management Conference**

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1 2. The parties executed a Settlement Agreement on September 17, 2013 that was
2 expected to lead to the dismissal of all claims upon Defendants satisfying certain requirements
3 and making an initial settlement payment.

4 3. Plaintiff's and Defendants' counsel have been in regular contact about the matter
5 and cooperating on completing the settlement requirements. Unfortunately, these efforts halted
6 recently because Defendants' counsel has been unable to contact its clients in any manner since
7 November 13, 2013. Accordingly, Defendants' counsel will be bringing a motion in the next
8 two weeks for an order permitting counsel to withdraw its representation of all Defendants.

9 4. Defendants partially satisfied the settlement requirements, but have failed to
10 satisfy other critical requirements and missed stated settlement agreement deadlines.
11 Accordingly, Plaintiff intends to bring a motion in the next 30 days for leave of court to amend
12 the complaint to add a claim for breach of settlement agreement and related claims.

13 5. The Case Management Conference, per recent Court order, is scheduled for
14 December 13, 2013 at 1:30 p.m.

15 6. In light of the recent settlement complications that require Plaintiff to amend the
16 complaint, and in order to provide Defendant's counsel the necessary time to file its motion to
17 withdraw, it is requested that the Case Management Conference and all related deadlines be
18 continued 90 days or taken off calendar pending the outcome of the proposed motions.

19 Dated: December 9, 2013

Respectfully Submitted,

JAVID RUBENS LLP

21 By:

/s/ Arman Javid

Arman Javid (SBN 191572)

Attorneys for Plaintiff

1 Dated: December 9, 2013

Respectfully submitted,

2 DHILLON & SMITH LLP

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4 By:

/s/ Priya D. Brandes
5 Priya D. Brandes (SBN 286714)
6 Attorneys for Defendants

7 I, Priya D. Brandes, hereby attest, pursuant to N.D. Cal. General Order No. 45 and Local
8 Rule 5-1, that the concurrence to the filing of this document has been obtained from each
9 signatory hereto.

10 By: /s/ Priya D. Brandes
11 Priya D. Brandes (SBN 286714)

12 **[PROPOSED] ORDER**

13 IT IS HEREBY ORDERED:

14 The date of the Case Management Conference shall be continued 90 days to
15 ~~March 14~~, 2014 ~~or taken off calendar pending the parties' proposed motions or as~~
16 ~~otherwise determined by this Court.~~ at 1:30 p.m. The parties shall submit an updated
17 joint case management statement by March 7, 2014.
18 Counsel for Defendants shall serve a copy of this Order on all
19 Defendants.

20 Dated: December 10, 2013


The Honorable Jeffrey S. White