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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IBIZ, LLC, a California Limited Liability
Company,

Plaintiff,

vs.

CITY OF HAYWARD, a California
municipal corporation,

Defendant

Case No: CV 13 1537 SC

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE DATE OF CMC**

Current Hrg.:

Hrg. Date: August 9, 2013

Hrg. Time: 10:00 a.m.

Location: Crtrm. 1, 17th Floor

Judge: Samuel Conti

Proposed New Hrg.:

Hrg. Date: Nov. 22, 2013

Hrg. Time: 10:00 a.m.

Location: Crtrm. 1, 17th Floor

COME NOW PLAINTIFF IBIZ AND DEFENDANT CITY AND STIPULATE AS FOLLOWS:

1 Per this Court's Minute Order (Doc. 43) issued on July 18, 2013, the Case Management
2 Conference in this case is currently set for August 9, 2013 and the Case Management Conference
3 Statement is due on August 2, 2013.

4 The parties mutually request that the Court continue the Case Management Conference to
5 November 22, 2013, and that the filing date for the Case Management Conference Statement be
6 continued to November 15, 2013. This request is made for the following reasons:

7 (1) The significant orders recently issued by the Court in both this case and the related case
8 of Net Connection, Hayward, LLC v. City of Hayward, N.D.Cal. No. 12-cv-1212 SC,
9 are being evaluated by the Hayward City Council. However the Hayward City Council
10 is in its annual recess period and will not reconvene until September 17th. Until it does
11 so, neither the City nor Plaintiff will be able to assess the future of this case.
12 Accordingly, they would mutually prefer to postpone the Case Management Conference
13 until they have a reasonable understanding of the City's considered response to the
14 Court's Orders. Moreover, it is not clear whether the City Council will address this
15 issue immediately at that first session or will be prepared to resolve its position on this
16 issue at that time. Thereafter, Plaintiff would need time to assess any position taken by
17 the City before determining how it wants to proceed in this litigation.

18 (2) Depending upon the outcome of its talks with the City, Plaintiff is not presently sure
19 whether it will be necessary to amend its pleadings before proceeding with its
20 prosecution of this case.

21 For each of these reasons, the parties believe that a continuance of the Case
22 Management Conference until November 22, 2013, would be in the best interests of both sides and
23 would be the most efficient and economical way to proceed. The parties have checked with this
24 Court's clerk and confirmed that November 22, 2013, would be an available date for the continued
25 hearing.

26 **STIPULATION**

27 Subject to the approval of the Court, the parties, by and through their counsel of record,
28 HEREBY STIPULATE, that the Case Management Conference herein be continued to November

22, 2013, at 10:00 a.m. or what ever other time is convenient for the Court, and that the filing date for the Joint Case Management Conference Statement be continued to November 15, 2013.

DATED: August 2, 2013

John H. Weston
G. Randall Garrou
Jerome Mooney
WESTON, GARROU & MOONEY

By: /s/ G. Randall Garrou
G. Randall Garrou
Attorneys for Plaintiff IBIZ LLC

DATED: August 2, 2013

MICHAEL S. LAWSON, CITY ATTORNEY

By: /s/ Michael G. Vigilia
MICHAEL G. VIGILIA
Assistant City Attorney, City of Hayward
Attorney for Defendant, City of Hayward

ORDER

Based on the stipulation of the parties, and good cause appearing therefore, the Case Management Conference herein is hereby continued to November 22, 2013, at 10:00 a.m. and the filing date for the Joint Case Management Conference Statement is continued to November 15, 2013.

IT IS SO ORDERED.

DATED: 08/05/2013

