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 7 COMMUNICATIONS, INC. and 100 PCT INC.

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

11 CAPITAL GROUP COMMUNICATIONS,
 INC. and 100 PCT INC.,

12 Plaintiffs,

13 vs.

14 XEDAR CORPORATION; HUGH H.
 15 WILLIAMSON III; AND IHS, INC.,

16 Defendants.

Case No. 3:13-cv-01793-EDL

**JOINT MOTION TO EXTEND BRIEFING
 DEADLINES CONCERNING
 DEFENDANTS MOTION FOR
 SUMMARY JUDGMENT ON
 PLAINTIFFS' CLAIMS AND PARTIAL
 SUMMARY JUDGMENT ON
 DEFENDANT XEDAR'S
 COUNTERCLAIM AS MODIFIED**

Action Filed: April 19, 2013
 Trial Date: August 11, 2014

18 Plaintiffs Capital Group Communications, Inc. and 100 PCT, Inc. and Defendants XeDAR
 19 Corporation, Hugh Williamson III, IHS, Inc., and (collectively "the Parties"), jointly file this
 20 Motion to extend the time for Plaintiffs to file their opposition to Defendants Motion for Summary
 21 Judgment on Plaintiffs' Claims and Partial Summary Judgment on Defendant XeDAR's
 22 counterclaim (the "Motion") to April 21, 2014 and to extend the time for Defendants to file their
 23 reply to Plaintiffs' opposition to April 25, 2014.
 24

25 1. On February 20, 2014, the Parties engaged in a mediation hosted by the Ninth
 26 Circuit Mediator. The Parties made substantial progress toward settlement at that mediation, but
 27

28 3:13-cv-01793-EDL

JOINT MOTION FOR TO EXTEND DEADLINE TO RESPOND TO DEFENDANTS MOTION FOR SUMMARY
 JUDGMENT/PARTIAL SUMMARY JUDGMENT

1 this matter has not been resolved.

2 2. The Parties planned their discovery with the possibility of settlement in mind.
3 Accordingly, the Parties did not schedule depositions prior to the February 20, 2014 mediation.
4 After the mediation, Plaintiffs noticed depositions for mid-March shortly before and on the date of
5 the fact discovery cut-off of March 11, 2014. Plaintiffs agreed to continue those depositions at the
6 request of counsel for Defendants because of scheduling conflicts and an upcoming trial in a
7 separate matter.
8

9 3. The Parties then filed a joint motion to extend the fact discovery cut-off in this
10 matter to April 18, 2014, which this Court granted. Dkt. No. 49.

11 4. Plaintiffs renoticed the depositions of Defendants XeDAR pursuant to Fed. R. Civ.
12 P. 30(b)(6) and Hugh H. Williamson, III. In order to accommodate Mr. Williamson's travel
13 schedule, the Parties have agreed that both of those depositions shall go forward on April 18,
14 2014, which is after the deadline for Plaintiffs to file their opposition to Defendants' Motion.
15 Plaintiffs believe that Mr. Williamson is a critical witness whose testimony is needed in order to
16 oppose Defendants' Motion.
17

18 5. Plaintiffs therefore request an extension of time to April 21, 2014 to file their
19 opposition to Defendants Motion so that they may include excerpts of the deposition testimony of
20 XeDAR and Mr. Williamson in their opposition brief. Defendants do not oppose Plaintiffs'
21 request.
22

23 6. Defendants request an extension of time to file their reply to Plaintiffs' opposition
24 to April 25, 2014. Defendants will endeavor to file their reply brief as soon as possible after
25 Plaintiffs file their opposition brief. Plaintiffs do not oppose Defendants' request.

26 7. The parties considered extending the time for the hearing on Defendants' Motion
27 but were unable to do so because of scheduling conflicts and the upcoming settlement conference
28

1 for this matter, which is scheduled for June 3, 2014.

2 WHEREFORE, the parties jointly request that the Court grant the Plaintiffs an extension of
3 time to file their opposition to Defendants' Motion to April 21, 2014 and grant Defendants an
4 extension of time to file their reply to Plaintiffs' opposition to April 25, 2014.

5 DATED: April 11, 2014

Respectfully submitted,

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28 So Ordered, this 14th day of April, 2014. *The hearing on the Motion for Summary
Judgment is continued to June 2, 2014, at 2:00 p.m.


The Hon. Elizabeth D. LaPorte
United States Magistrate Judge