

Ropers Majeski Kohn & Bentley
A Professional Corporation
Redwood City

1 CHI-HUNG A. CHAN (SBN 104289)
LAEL D. ANDARA (SBN 215416)
2 MARIE E. SOBIESKI (278008)
ROPER, MAJESKI, KOHN & BENTLEY
3 1001 Marshall Street, Suite 500
Redwood City, CA 94063-2052
4 T: (650) 364-8200
F: (650) 780-1701
5 Email: lael.andara@rmkb.com
marie.sobieski@rmkb.com

6 Attorneys for Plaintiff
7 AI-DAIWA, LTD.

8 JACQUELINE DESOUZA, ESQ. (SBN 133686)
DESOUZA LAW OFFICES
9 A Professional Corporation
7428 Redwood Blvd., Suite 102
10 Novato, CA 94945
Tel/Fax: (510) 649-3420
11 Email: jdesouza@dlawcorp.com

12 Attorneys for Defendants, APPARENT, INC.;
APPARENT ENERGY, INC.; APPARENT SOLAR,
13 INC., XSLENT ENERGY TECHNOLOGIES, LLC;
and APPARENT SOLAR INVESTMENTS (II), LLC,
14 and Counter Claimants, APPARENT, INC. and
APPARENT ENERGY, INC
15

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 AI-DAIWA, LTD.,

19 Plaintiff,

20 v.

21 APPARENT, INC., a Delaware Corporation;
APPARENT ENERGY, INC., a Delaware
22 Corporation; APPARENT SOLAR, INC., a
Delaware Corporation; APPARENT SOLAR
23 INVESTMENTS (II), LLC, a Hawaii limited
liability company; XSLENT ENERGY
24 TECHNOLOGIES, LLC, a Delaware limited
liability company; and DOES 1-10 inclusive,
25

26 Defendants

Case No.: CV13-4156 VC

**JOINT STIPULATION OF THE
PARTIES RELATING TO THE
COURT'S ORDER GRANTING IN
PART AND DENYING IN PART
PLAINTIFF'S MOTION TO
DISQUALIFY COUNSEL AND
LITIGATION SCHEDULE
AND ORDER**

Hon. Vince Chhabria

Complaint filed September 9, 2013
Counterclaim filed March 24, 2014

27 AND RELATED CROSS-ACTION
28

1 On April 9, 2015, this Court heard Plaintiff AI-Daiwa, Ltd.’s (“AI-Daiwa”) Motion to
 2 Disqualify Jacqueline DeSouza counsel for Defendants, Apparent Inc, Apparent Energy Inc,
 3 Apparent Solar Inc, Apparent Solar Investments II, LLC, Xslent Energy Technologies, LLC
 4 (collectively, “Apparent”) from the litigation and trial. At the hearing, the Court issued a
 5 tentative Order Disqualifying Ms. DeSouza from the litigation and trial, vacating all trial dates,
 6 and setting a further Case Management Conference hearing. [Docket 120] The Court’s written
 7 Order withdrew its ruling from the bench vacating trial dates, but continued the trial to
 8 November 2, 2015 to permit four weeks between the pre-trial conference and the trial date to
 9 allow for the resolution of which witnesses would require co-counsel questioning. [Docket 123]

10 The parties have conferred regarding how to implement the Court’s Order and agree that
 11 a short continuance of the discovery, expert disclosure, and dispositive motion dates will assist
 12 with the issues presented by the Court’s Order. Discovery has been delayed due to resolution of
 13 the Motion to Disqualify. A short continuance will allow Apparent to secure co-counsel and
 14 permit co-counsel to participate in the litigation and further allow both parties to complete
 15 discovery. The parties anticipate deposing the Court Expert within the next 30 days. The parties
 16 do not propose moving the pre-trial or trial date as set forth by the Court in its Order. Thus, the
 17 parties propose the following schedule:

Action	Present Date	Proposed Date
Completion of all written and witness discovery	May 26, 2015	June 29, 2015
Expert Disclosure	April 27, 2015	May 27, 2015
Supplemental Expert Disclosure	May 11, 2015	June 12, 2015
Dispositive Motion Hearing	July 23, 2015	August 27, 2015
Pre-Trial Conference	October 5, 2015	October 5, 2015
Trial	October 20, 2015	November 2, 2015

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: April 14, 2015 /s/ Lael D. Andara
Attorneys for AI-Daiwa

DATED: April 14, 2015 /s/ Jacqueline deSouza
Attorneys for Defendants and Counterclaimants

Based on the stipulation of the Parties, and good cause being shown, this Court Orders that dates by which Written and Witness Discovery, Expert Disclosures, and Dispositive Motions must be completed or heard shall be continued as set forth in the parties' stipulation.

IT IS ORDERED.

DATED: April 16, 2015 
Honorable Judge Vince Chhabria