

1 James W. Morando (CA Bar No. 087896)
 2 Deepak Gupta (CA Bar No. 226991)
 FARELLA BRAUN + MARTEL LLP
 3 235 Montgomery Street, 17th Floor
 San Francisco, CA 94104
 4 Telephone: (415) 954-4400
 Facsimile: (415) 954-4480
 5 E-mail: jmorando@fbm.com
 E-mail: dgupta@fbm.com

Douglas R. Dollinger (pro hac vice)
 (NY Bar No. 2354926)
 LAW OFFICES OF DOUGLAS
 DOLLINGER
 260 Main Street
 Goshen, NY 10924
 Telephone: 845-915-6800
 Facsimile: 845-915-6801
 E-mail: ddollingeresq@gmail.com

6 Keiko L. Sugisaka (pro hac vice)
 (MN Bar No. 266152)
 7 Joseph P. Ceronsky (pro hac vice)
 (MN Bar No. 391059)
 MASLON EDELMAN BORMAN
 & BRAND, LLP
 9 3300 Wells Fargo Center
 10 90 South Seventh Street
 Minneapolis, MN 55402-4140
 11 Telephone: 612-672-8200
 Facsimile: 612-672-8397
 12 E-mail: keiko.sugisaka@maslon.com
 E-mail: joseph.ceronsky@maslon.com

Seth D. Heyman (CA Bar No. 194120)
 HEYMAN LAW OFFICES
 Suite 900
 2600 Michelson Drive
 Irvine, CA 92612
 Telephone: 855-439-6628
 Facsimile: 855-407-7714
 E-mail: sdh@heymanlegal.com

ATTORNEYS FOR PLAINTIFFS
 INDIEZONE, INC., A DELAWARE
 CORPORATION, AND EOBUY, LTD., AN
 IRISH PRIVATE LIMITED
 CORPORATION

13 ATTORNEYS FOR DEFENDANTS
 14 JINGIT LLC, JINGIT HOLDINGS, LLC,
 JINGIT FINANCIAL SERVICES, LLC,
 15 TODD ROOKE, JOE ROGNESS, PHIL
 HAZEL, SAM ASHKAR, HOLLY
 16 OLIVER, SHANNON DAVIS, JUSTIN
 JAMES, CHRIS OHLSEN, DAN
 17 FRAWLEY, DAVE MOOREHOUSE, II,
 TONY ABENA, CHRIS KARLS, JOHN E.
 18 FLEMING, AND MUSIC.ME, LLC

19 Additional Counsel for Defendants on
 Signature Page

20 **UNITED STATES DISTRICT COURT**
 21 **NORTHERN DISTRICT OF CALIFORNIA**
 22 **SAN FRANCISCO DIVISION**

23 Indiezone, Inc., a Delaware corporation, and
 EoBuy, Limited an Irish private limited company,

24 Plaintiffs,

25 vs.

26 Todd Rooke, Joe Rogness, Phil Hazel, Sam
 Ashkar, Holly Oliver and U.S. Bank, collectively
 the **RICO Defendants**;

27 Jingit LLC, Jingit Holdings, LLC, Jingit Financial
 28 Services LLC, Music.Me, LLC, Tony Abena, John

Case No. 3:13-cv-04280 (VC)

STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE INITIAL
CASE MANAGEMENT
CONFERENCE AND ASSOCIATED
DEADLINES AS MODIFIED

1 E. Fleming, Dan Frawley, Dave Moorehouse II,
2 Chris Ohlsen, Justin James, Shannon Davis, Chris
3 Karls in their capacities as officers, agents and/or
4 employees of Jingit LLC, **Defendants in
Negligence, and Aiding/Abetting;**

5 Wal-Mart, General Electric, Target, DOE(s) and
6 ROE(s) 1 through 10, **Defendants in Negligence
Secondary-Vicarious Infringement,**

7 Defendants.

8 WHEREAS, Plaintiffs Indiezone, Inc. and eoBuy, Limited filed the Complaint on
9 September 16, 2013, alleging twenty-seven counts against the above-named Defendants related to
10 alleged misappropriation of Plaintiffs' intellectual property (ECF 1);

11 WHEREAS, the Jingit Defendants¹ and Defendant U.S. Bank National Association ("U.S.
12 Bank") stipulated with Plaintiffs for extensions of time to respond to the Complaint through
13 January 10, 2014 (ECF 11-13 & 17);

14 WHEREAS, on January 10, 2014, the Jingit Defendants filed a: (1) Motion of Defendants
15 Rooke and Rogness to Compel Arbitration with Indiezone, Inc. based on a mandatory arbitration
16 clause in their employment agreements with Indiezone; (2) Motion to Dismiss Plaintiff eoBuy,
17 Limited because this plaintiff dissolved in 2008 and lacked capacity to sue; and (3) Motion of
18 Remaining Defendants to Stay All Remaining Proceedings pending the outcome of the arbitration
19 (ECF 29);

20 WHEREAS, on January 10, 2014, Defendant U.S. Bank filed a motion joining the Jingit
21 Defendants' Motions to Dismiss eoBuy, Limited and Stay All Remaining Proceedings (ECF 35);

22 WHEREAS, Plaintiffs filed a motion for leave to amend their Complaint to add or
23 substitute a party on February 21, 2014, seeking to add "eoBuy Ventures Limited" as a plaintiff
24 (ECF 57);

25
26 _____
27 ¹ "Jingit Defendants" are Todd Rooke, Joe Rogness, Phil Hazel, Sam Ashkar, Holly
28 Oliver, Jingit, LLC, Jingit Holdings, LLC, Jingit Financial Services, LLC, Music.Me, LLC, Tony
Abena, John E. Fleming, Dan Frawley, Dave Moorehouse II, Chris Ohlsen, Justin James,
Shannon Davis and Chris Karls.

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2 WHEREAS, on March 6, 2014, Plaintiffs, Jingit Defendants and U.S. Bank filed a
3 Stipulation to Continue Initial Case Management Conference and Associated Deadlines based on
4 the Parties' agreement that it would be inefficient to plan discovery, motions and other case
5 management processes, including the Court's ADR Multi-Option Program, for a case in which
6 one plaintiff may be dismissed and that may shortly be ordered to binding arbitration where
7 different rules and procedures will govern (ECF 64);

8 WHEREAS, the parties to the March 6, 2014 Stipulation also agreed to combine the
9 hearings on Defendants' and Plaintiffs' pending motions (ECF 64);

10 WHEREAS, on March 7, 2014, Defendant Target Corporation ("Target") joined Jingit
11 Defendants' Motions to Dismiss eoBuy, Limited and Stay All Remaining Proceedings (ECF 69);

12 WHEREAS, on March 10, 2014, pursuant to the Parties' Stipulation, the Court ordered
13 continuation of the case management conference until roughly two months after the joint hearing
14 date for the pending motions (ECF 71);

15 WHEREAS, on March 11, 2014 Defendants Wal-Mart Stores, Inc. ("Wal-Mart") and
16 General Electric Company ("General Electric") joined Jingit Defendants' Motions to Dismiss
17 eoBuy, Limited and Stay All Remaining Proceedings (ECF 74);

18 WHEREAS, Plaintiffs filed a second motion for leave to amend their Complaint to add or
19 substitute a party on April 1, 2014 (ECF 84) and April 9, 2014 (ECF 90) seeking to add "eoBuy
20 Licensing Limited" as a plaintiff;

21 WHEREAS, on April 9, 2014, Plaintiffs filed a Motion Requesting an Enlargement of
22 Time to Submit a Corrected Response and/or Renew their Response to the Defendants' Motions
23 to Compel Arbitration, Dismiss or Stay Proceedings (ECF 91) to include "eoBuy Licensing
24 Limited" as a plaintiff in response to Defendants' motions;

25 WHEREAS, on April 17, 2014, the case was transferred to the Honorable Vince Chhabria
26 pursuant to the Order Reassigning Case;

27 WHEREAS, the Order Reassigning Case vacated all case management conference dates
28 and motion hearing dates;

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2 WHEREAS, the Parties have conferred and have re-noticed all pending motions for
3 Thursday, June 5, 2014 at 1:30 p.m.;

4 WHEREAS, the Parties have conferred and still agree that it would be inefficient to plan
5 discovery, motions and other case management processes, including the Court's ADR Multi-
6 Option Program, for a case in which one plaintiff may be dismissed and that may be ordered to
7 binding arbitration where different rules and procedures will govern;

8 WHEREAS, notwithstanding the above, Plaintiffs have informed Defendants of their
9 intent to file a motion seeking expedited discovery of certain electronic evidence from Defendants
10 Rooke and Rogness also to be heard on Thursday, June 5, 2014 at 1:30 p.m.;

11 ACCORDINGLY, it is hereby stipulated and requested pursuant to Civil L.R. 6-2(a), by
12 Indiezone, Inc. and eoBuy, Limited (together, "Plaintiffs"), and Defendants Jingit LLC, Jingit
13 Holdings, LLC, Jingit Financial Services, LLC, Todd Rooke, Joe Rogness, Phil Hazel, Sam
14 Ashkar, Holly Oliver, Shannon Davis, Justin James, Chris Ohlsen, Dan Frawley, Dave
15 Moorehouse, II, Tony Abena, Chris Karls, John E. Fleming, Music.Me, LLC, U.S. Bank National
16 Association, Target Corporation, Wal-Mart Stores, Inc. and General Electric Company (together,
17 "Defendants"; Plaintiffs and Defendants collectively, the "Parties"), through their respective
18 counsel as follows:

19 1. That the Initial Case Management Conference, along with the associated deadlines
20 for the Rule 26(f) meet and confer, the Rule 26(f) Report and the ADR Multi-Option Program
21 deadlines be scheduled for ~~dates no earlier than August 2014, pending the Court's ruling on the~~
22 ~~pending motions, or such time thereafter as the Court's calendar will permit.~~
23 August 15, 2014, at 10:30 a.m.

24 This Stipulation and Request is supported by the attached Declaration of Counsel Pursuant
25 to Civil L.R. 6-2(a).

1 Dated: April 29, 2014

LAW OFFICES OF DOUGLAS R. DOLLINGER

2
3 By: /s/ Douglas R. Dollinger
Douglas R. Dollinger (pro hac vice)
4 NY Bar No. 2354926

5 ATTORNEYS FOR PLAINTIFFS INDIEZONE,
INC., A DELAWARE CORPORATION, AND
6 EOBUY, LTD., AN IRISH PRIVATE LIMITED
CORPORATION

7 -and-

8 Dated: April 29, 2014

JAMES R. MCGUIRE (CA SBN 189275)
JMcGuire@mofo.com
ANGELA E. KLEINE (CA SBN 255643)
AKleine@mofo.com
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: 415.268.7000
Facsimile: 415.268.7522

11
12
13
14 By: /s/ Angela E. Kleine
Angela E. Kleine

15 ATTORNEYS FOR DEFENDANT U.S. BANK
16 NATIONAL ASSOCIATION

17 -and-

18 Dated: April 29, 2014

JAMES R. STEFFEN (pro hac vice)
(MN Bar No. 204717)
james.steffen@FaegreBD.com
PETER M. ROUTHIER (pro hac vice)
(MN Bar No. 391488)
peter.routhier@FaegreBD.com
FAEGRE BAKER DANIELS LLP
90 South Seventh Street
Minneapolis, MN 55402
Telephone: 612.766.7000
Facsimile: 612.766.1600

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23
24
25 By: /s/ Peter M. Routhier
Peter M. Routhier

26 ATTORNEYS FOR DEFENDANT TARGET
27 CORP.

28 -and-

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Dated: April 29, 2014

ROBERT N. PHILLIPS (SBN 120970)
robphillips@reedsmith.com
PAULO L. SOUSA (SBN 288705)
psousa@reedsmith.com
REED SMITH
101 Second Street, Suite 1800
San Francisco, California 94105
Telephone: 415.659.5962
Facsimile: 415.391.8269

By: /s/ Robert N. Phillips
Robert N. Phillips

ATTORNEYS FOR DEFENDANTS WAL-MART
STORES, INC. AND GENERAL ELECTRIC
COMPANY

-and-

Dated: April 29, 2014

MASLON EDELMAN BORMAN & BRAND,
LLP

By: /s/ Joseph P. Ceronsky
Joseph P. Ceronsky (pro hac vice)
(MN Bar No. 391059)
Keiko L. Sugisaka (pro hac vice)
(MN Bar No. 266152)

ATTORNEYS FOR DEFENDANTS JINGIT LLC,
JINGIT HOLDINGS, LLC, JINGIT FINANCIAL
SERVICES, LLC, TODD ROOKE, JOE
ROGNESS, PHIL HAZEL, SAM ASHKAR,
HOLLY OLIVER, SHANNON DAVIS, JUSTIN
JAMES, CHRIS OHLSEN, DAN FRAWLEY,
DAVE MOOREHOUSE II, TONY ABENA,
CHRIS KARLS, JOHN E. FLEMING, AND
MUSIC.ME, LLC

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ATTESTATION UNDER L.R. 5-1(i)

In accordance with Local Rule 5-1(i), I have obtained concurrence in the filing of the document from each of the signatories, and I shall maintain records to support this concurrence for subsequent production for the Court, if so ordered, or for inspection upon request by a party.

By: /s/ Joseph P. Ceronsky
Joseph P. Ceronsky

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: April 30, 2014

