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6 **Attorneys for Defendant**
 7 **NUANCE COMMUNICATIONS, INC.**

8
 9 **UNITED STATES DISTRICT COURT**
 10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 THE PHOENIX INSURANCE COMPANY, a
 12 Connecticut corporation; and THE
 TRAVELERS INDEMNITY COMPANY, a
 13 Connecticut corporation,

14 Plaintiffs,

15 v.

16 INFINITY CONTACT, INC., an Iowa
 corporation; and NUANCE
 17 COMMUNICATIONS, INC., a Delaware
 corporation,

18 Defendants.

CASE NO. 3:13-cv-05905-RS

JOINT STIPULATION AND
~~**PROPOSED**~~ **ORDER TO EXTEND**
DEADLINE TO RESPOND TO
COMPLAINT AND TO EXTEND
INITIAL COURT ORDERED
DEADLINES

DEMAND FOR JURY

Judge: Honorable Richard Seeborg

1 Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule 6-1(b), Defendants
2 INFINITY CONTACT, INC. (“Infinity”) and NUANCE COMMUNICATIONS, INC. (“Nuance”)
3 (collectively, “Defendants”) and Plaintiffs THE PHOENIX INSURANCE COMPANY and THE
4 TRAVELERS INDEMNITY COMPANY (“Plaintiffs”), by and through their attorneys, hereby
5 stipulate as follows:

6 WHEREAS, on December 19, 2013, Plaintiffs filed a Complaint with the clerk of the District
7 Court for the Northern District of California;

8 WHEREAS, on December 20, 2013, the Court issued its Order Setting Initial Case
9 Management Conference and ADR Deadlines (Dkt. #5) (the “Court’s Initial Order”);

10 WHEREAS, pursuant to the Court’s Initial Order, the following deadlines were established:

11	Deadline to Meet and Confer and 12 file ADR Certification and Notices	April 1, 2014
13	Deadline for Filing Rule 26(f) Report, 14 Completing Initial Disclosures, and Filing Joint Case Management Statement	April 15, 2014
15	Case Management Conference	April 17, 2014

16 WHEREAS, Plaintiffs did not request waiver of service from Defendants and deferred
17 service of the Complaint in order to confer with Defendants about potential resolution of the issues
18 short of litigation. Specifically, the parties discussed whether and to what extent Travelers would be
19 willing to contribute to the settlement of the claims against Infinity and Nuance in the Underlying
20 Lawsuit, as defined in the Complaint;

21 WHEREAS, on March 5, 2014, approximately three weeks ago, Plaintiffs served Nuance
22 with the Complaint;

23 WHEREAS, on March 6, 2014, approximately three weeks ago, Plaintiffs served Infinity
24 with the Complaint;

25 WHEREAS, under Federal Rule of Civil Procedure 12(a)(1), Nuance’s and Infinity’s current
26 deadline to answer or otherwise respond to the Complaint are March 26, 2014 and March 27, 2014,
27 respectively;

1 WHEREAS, Defendants and Plaintiffs have agreed to an extension of the current deadlines
2 to answer or otherwise respond to the Complaint until April 10, 2014, so that parties may engage in
3 settlement discussions; so that Defendants may properly investigate, evaluate, and respond to
4 Plaintiffs' claims; and so as to allow the parties the opportunity to properly prepare for the Case
5 Management Conference in the event a resolution is not immediately reached;

6 WHEREAS, counsel for all parties further agreed to an extension of the deadlines set by the
7 Court's Initial Order as follows:

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9 Deadline to Meet and Confer and file ADR Certification and Notices	May 1, 2014
10 Deadline for Filing Rule 26(f) Report, Completing Initial Disclosures, and Filing 11 Joint Case Management Statement	May 9, 2014
12 Case Management Conference	May 15, 2014

13 WHEREAS, no party will be prejudiced by the stipulated-to extension;

14 WHEREAS, this stipulation is without prejudice to, or waiver of, any rights or defenses
15 otherwise available to the Parties in this action;

16 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between the parties
17 hereto that:

- 18 1) Defendants shall have through and including **April 10, 2014** to answer or otherwise
19 respond to the Complaint in this action;
- 20 2) Deadline for the parties to meet and confer and file ADR certification and notices shall be
21 **May 1, 2014**;
- 22 3) Deadline for filing Rule 26(f) Report, completing initial disclosures, and filing joint case
23 management statement shall be **May 9, 2014**; and
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1 4) The initial case management conference shall be scheduled for **May 15, 2014.**

2 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

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Dated: March 25, 2014

Respectfully submitted,

By: /s/ Mark D. Peterson
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*Attorneys for Plaintiffs
The Phoenix Insurance Company and The
Travelers Indemnity Company*

Dated: March 25, 2014

Respectfully submitted,

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*Attorneys for Defendant
Infinity Contact, Inc.*

Dated: March 25, 2014

Respectfully submitted,

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*Attorneys for Defendant
Nuance Communications, Inc.*

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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3 DATED: 3/26/14

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5 HONORABLE RICHARD SEEBORG
6 United States District Judge

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