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8 Attorneys for Plaintiff
 9 Media.Net Advertising FZ-LLC

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

12 MEDIA.NET ADVERTISING FZ-
 13 LLC,

14 Plaintiff,

15 v.

16 NETSEER, INC. and DOES 1-10,

17 Defendants.

No. 3:14-cv-03883-EMC

STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONTINUE
JANUARY 12, 2017 STATUS
CONFERENCE AND REMAINING
DISCOVERY DEADLINES

Date: January 12, 2016
 Time: 10.30 a.m.
 Judge: Hon. Edward Chen
 Location: Courtroom 5, 17th Floor

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1 Plaintiff Media.net Advertising FZ-LLC's ("Media.net" or "Plaintiff") and
2 Defendant NetSeer, Inc. ("NetSeer" or Defendant) (collectively, the "Parties"),
3 by and through their counsel of record, stipulate and agree as follows:

4 WHEREAS, on January 4, 2017, the Honorable Edward M. Chen set a status
5 conference in this case for January 12, 2017 at 10:30 a.m.;

6 WHEREAS, on January 5, 2017, the Honorable Laurel R. Beeler held a
7 settlement call with counsel only;

8 WHEREAS, at the last settlement conference, the Parties reached an
9 agreement in principle, but could not put it on the record immediately for reasons
10 having to do with the structure of the settlement;

11 WHEREAS, on December 22, 2016, the Parties executed a commercial
12 agreement in connection with the settlement of this litigation which provides for
13 closing on or before January 15, 2017 (the "Asset Purchase Agreement" or "APA"
14 dated as of December 22, 2016);

15 WHEREAS, the Parties are discussing a renegotiation of the purchase price;

16 WHEREAS, the Parties have thus far been unable to reach agreement on any
17 amendment, modification or other change to the APA, including dismissal of this
18 litigation;

19 WHEREAS, the parties agree that it makes no sense to finalize discovery and
20 litigate discovery disagreements if they have settled the case;

21 WHEREAS, Judge Beeler ordered the parties to confer and then submit by
22 January 10, 2017 to Judge Chen for his consideration, a firm timeline for finalizing
23 settlement and for postponing discovery (but not the trial or dispositive motions
24 dates) to allow that process;

25 WHEREAS, Judge Beeler set a further in-person settlement conference with
26 all parties and principals for Thursday, January 26, 2017 at 9:30 a.m.;

27 WHEREAS, the parties agree the Court should maintain the current trial
28 and motions deadlines;

1 WHEREAS, the parties agree that discovery in the case shall be stayed until
2 Tuesday, January 17, 2017, in order to allow the parties time to negotiate and
3 finalize, if possible, any amendment, modification or other change to the APA;

4 WHEREAS, counsel for the parties agree to the following continuance of the
5 status conference and amendment of certain discovery deadlines (Declaration of
6 Leeor Neta, dated January 10, 2017 (“Neta Decl.”), ¶ 2));

- 7 1. The status conference scheduled for January 12, 2017 at 10:30 a.m.
8 shall be vacated and continued to February 2, 2017 at 10:30 a.m. The
9 parties shall file a joint status report seven days in advance of the
10 rescheduled conference.
- 11 2. The April 11, 2016 First Amended Case Management and Pretrial
12 Order for Jury Trial (“Pretrial Order”, Dkt. 78) shall be amended as
13 follows:
 - 14 a. The date for Non-Expert Discovery Cut-Off and Opening
15 Expert Reports shall be continued from January 20, 2017 to
16 February 17, 2017.
 - 17 b. The date for Rebuttal Expert Reports shall be continued from
18 February 3, 2017 to March 3, 2017.
 - 19 c. The date for Expert Discovery Cut-Off shall be continued from
20 February 17, 2017 to March 17, 2017.

21 NOW THEREFORE, the Parties stipulate and request an order as follows:

- 22 1. All discovery shall be stayed until Tuesday, January 17, 2017.
- 23 2. The status conference scheduled for January 12, 2017 at 10:30 a.m.
24 shall be vacated and continued to February 2, 2017 at 10:30 a.m. The
25 parties shall file a joint status report seven days in advance of the
26 rescheduled conference.
- 27 3. The April 11, 2016 First Amended Case Management and Pretrial
28 Order for Jury Trial (“Pretrial Order”, Dkt. 78) shall be amended as

1 follows:

- 2 a. The date for Non-Expert Discovery Cut-Off and Opening
3 Expert Reports shall be continued from January 20, 2017 to
4 February 17, 2017.
- 5 b. The date for Rebuttal Expert Reports shall be continued from
6 February 3, 2017 to March 3, 2017.
- 7 c. The date for Expert Discovery Cut-Off shall be continued from
8 February 17, 2017 to March 17, 2017.
- 9 4. The deadline for hearing dispositive motions remains vacated.
- 10 5. Except as expressly amended, the dates in the Pretrial Order (Dkt. 78)
11 are unchanged, including the scheduled date of May 8, 2017 for
12 commencement of trial.

13
14 DATED January 10, 2017.

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16 By: /s/ Leeor Neta
17 Leeor Neta, Attorney for Plaintiff
18 Media.Net Advertising FZ-LLC

19 By: /s/ Vernon H. Granneman
20 Vernon H. Granneman, Attorney for
21 Defendant NetSeer, Inc.

1 **SIGNATURE ATTESTATION**

2 Per Civil L.R. 5.1(i)(3), I attest under penalty of perjury that concurrence in
3 the filing of this document has been obtained from Vernon H. Granneman.

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5 By: /s/ Leeor Neta _____
6 Leeor Neta
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1 **~~PROPOSED~~ ORDER**

2 PER STIPULATION AND FOR GOOD CAUSE SHOWN, IT IS
3 ORDERED AS FOLLOWS:

- 4
- 5 1. All discovery shall be stayed until Tuesday, January 17, 2017.
- 6
- 7 2. The status conference scheduled for January 12, 2017 at 10:30 a.m. shall
8 be vacated and continued to February 2, 2017 at 10:30 a.m. The parties
9 shall file a joint status report seven days in advance of the rescheduled
10 conference.
- 11
- 12 3. The April 11, 2016 First Amended Case Management and Pretrial Order
13 for Jury Trial (“Pretrial Order”, Dkt. 78) shall be amended as follows:
- 14 a. The date for Non-Expert Discovery Cut-Off and Opening Expert
15 Reports shall be continued from January 20, 2017 to February 17,
16 2017.
- 17 b. The date for Rebuttal Expert Reports shall be continued from
18 February 3, 2017 to March 3, 2017.
- 19 c. The date for Expert Discovery Cut-Off shall be continued from
20 February 17, 2017 to March 17, 2017.
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- 22 4. The deadline for hearing dispositive motions remains vacated.
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5. Except as expressly amended, the dates in the Pretrial Order (Dkt. 78) are unchanged, including the scheduled date of May 8, 2017 for commencement of trial.

Dated 1/10/2017.

By:

Honora
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