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PARAVUE CORPORATION  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

12 PARAVUE CORPORATION,  
13  
14 Appellant,

15 v.

17 HELLER EHRMAN, LLP,  
18  
19 Appellee.

) No. 3:14-cv-3887 CRB  
) Hon. Charles R. Breyer

) **STIPULATED REQUEST FOR ORDER**  
) **CHANGING TIME OF BRIEFING**  
) **SCHEDULE**  
) **ORDER**

20  
21 Pursuant to Local Rule 7-12, Appellant PARAVUE CORPORATION and Appellee HELLER  
22 EHRMAN, LLP, by and through their respective undersigned counsel, stipulate and agree to an  
23 extension of the briefing deadlines in this appeal, in the respects stated herein.

24 In support of this stipulation, the undersigned counsel for Appellant, James V. Weixel, states and  
25 declares as follows:

26 1. I am an attorney at law licensed to practice before all courts of the State of California, and  
27 am a member of the bar of this Court. I am counsel of record in this proceeding for Appellant Paravue  
28

1 Corporation. I have personal knowledge of the matters stated in this Declaration and, if called to testify  
2 thereto, could and would do so truthfully and competently.

3 2. I make this Declaration pursuant to Local Rule 6-2 in support of the parties' stipulation  
4 for an extension of the briefing schedule in this matter.

5 3. By previous agreement of the parties and the order of the Court, Paravue's opening brief  
6 to this Court is due by February 16, 2015, Heller Ehrman's answering brief is due by April 6, 2015, and  
7 Paravue's reply brief is due by April 20, 2015.

8 4. On December 19, 2015, Paravue filed a motion for a limited remand of this matter to the  
9 bankruptcy court for the purpose of allowing that court to consider and determine Paravue's motion for  
10 reconsideration of the summary judgments granted in Heller Ehrman's favor on the claims which are the  
11 subject of this appeal. The parties agreed to continue the hearing until February 6, 2015. However, the  
12 Court, *sua sponte*, set the hearing for February 20, 2015, which presumably was the Court's next  
13 available hearing date. Briefing on the motion has been completed, with the exception of a corrective  
14 supplement (without further argument) that Paravue plans to file no later than the end of business on  
15 Monday, February 9, 2015.

16 5. The parties had originally agreed to the above hearing and briefing schedule in part  
17 because the motion for limited remand would have been heard before the appellate briefing commenced.  
18 However, the Court's setting of the hearing on the motion for limited remand for February 20<sup>th</sup> resulted  
19 in that motion being scheduled for hearing *after* Paravue's opening appellate brief is due to be filed on  
20 February 16<sup>th</sup>, which is in the reverse order agreed upon by the parties in the previous stipulation.  
21 Accordingly, on February 6, 2015, I contacted Heller Ehrman's counsel, Marjorie E. Manning, Esq., to  
22 propose an extension of all deadlines in the appellate briefing schedule. Ms. Manning advised me it is  
23 her position the outcome of the February 20th hearing on the motion to remand will not alter the nature  
24 or scope of the appeal before this Court and thus provides no basis for an additional extension of time to  
25 file Paravue's opening brief. However, she agreed to stipulate to a one-week extension of the existing  
26 deadlines in the interest of professional cooperation and courtesy.

27 6. As stated in the stipulation below, the parties have stipulated and agreed to the following  
28 revised briefing schedule as appropriate and reasonable:

1 Appellant's opening brief due: **February 23, 2015**

2 Appellee's brief due: **April 13, 2015**

3 Appellant's reply brief due: **April 27, 2015**

4 7. There have been three stipulations for an extended briefing schedule, which have resulted  
5 in the current briefing schedule reflected in the Court's order filed January 7, 2015 (Doc. 22).

6 8. The requested extension would cause the briefing schedule in this matter to be extended  
7 by one week with respect to all deadlines, as set forth above.

8 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United  
9 States of America that the foregoing is true and correct. Executed this 9<sup>th</sup> day of February, 2015, at San  
10 Francisco, California.

11  
12  
13 /s/ James V. Weixel  
14 James V. Weixel

15 **STIPULATION**

16 Appellant Paravue Corporation and Appellee Heller Ehrman, LLP, by and through their  
17 respective undersigned counsel, stipulate and agree, and thereupon request that the Court enter an order  
18 accordingly, to change time to reflect an extension of the briefing schedule in the appeal before this  
19 Court as follows:

20 Appellant's opening brief due: **February 23, 2015**

21 Appellee's brief due: **April 13, 2015**

22 Appellant's reply brief due: **April 27, 2015**

23 This stipulation is made upon the declaration of James V. Weixel, Esq., counsel for Paravue  
24 Corporation in this proceeding, as stated *supra*.

25 The parties stipulate and agree to this briefing schedule and request that the Court enter an order  
26 accordingly, pursuant to Local Rules 6-2 and 7-12.

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28 ///

1 Dated: February 9, 2015.

**WEIXEL LAW OFFICE**

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3  
4 By:                   /s/ James V. Weixel                    
                  James V. Weixel

5 Attorney for Appellant  
6 PARAVUE CORPORATION

7  
8 Dated: February 9, 2015.

**BOLLING & GAWTHROP**

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10  
11 By:                   /s/ Marjorie E. Manning                    
                  Marjorie E. Manning (by consent)

12 Attorney for the Post-Confirmation Liquidating Debtor,  
13 Appellee HELLER EHRMAN, LLP

14  
15 **ATTESTATION RE ELECTRONIC SIGNATURE(S)**

16 I, James V. Weixel, counsel for Appellant Paravue Corporation, hereby attest pursuant to Local  
17 Rule 5-1(i)(3) that the electronic signature(s) of other counsel and/or parties appearing above indicate(s)  
18 that concurrence in the filing of this document has been obtained from each of said counsel and/or  
19 parties, and that such electronic signature(s) serve(s) in lieu of said signature(s) on the document.

20 Dated: February 9, 2015.

**WEIXEL LAW OFFICE**

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22  
23 By:                   /s/ James V. Weixel                    
                  James V. Weixel

24 Attorney for Appellant  
25 PARAVUE CORPORATION

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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Signed: February 11, 2015

