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 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN FRANCISCO DIVISION**

11
 12 E & E CO., LTD., a California corporation,

13 Plaintiff,

14 vs.

15 LIGHT IN THE BOX LIMITED, a Hong
 Kong corporation,

16 Defendant.

Case No. 3:15-CV-00069-EMC

Judge Edward M. Chen

17 **STIPULATION AND [PROPOSED]**
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE AND
EXTENDING TIME TO RESPOND TO
SECOND AMENDED COMPLAINT

18 Second Amended Complaint Filed:
 October 14, 2015

19 Current CMC Date: December 10, 2015

20 Plaintiff E & E Co., Ltd. ("Plaintiff" or "E & E") and Defendant Light In The Box
 21 Limited ("Defendant" or "LITB Limited") (collectively, the "Parties") hereby stipulate to (1) a one
 22 month continuance of the Case Management Conference ("CMC") (and all dates associated
 23 therewith), currently set for December 10, 2015, to a date available with the Court after January 4,
 24 2016, and (2) an eighteen (18) day extension of Defendant LITB Limited's time to answer, move
 25 against, or otherwise respond to the Second Amended Complaint from November 13, 2015, to and
 26 including December 1, 2015. The Parties' stipulation is based on the following facts:

27 1. Plaintiff E & E filed a Second Amended Complaint ("SAC") in the above
 28 captioned case against Defendant LITB Limited on October 14, 2015 (Dkt. No. 60);

1 2. The Parties conferred and jointly stipulated to enlarge the time for LITB Limited to
2 respond to the SAC to thirty (30) days, to and including November 13, 2015 (Dkt. No. 59);

3 3. The Parties have since been in settlement discussions and would like time to
4 continue their settlement talks before taking the time and expense of responding to the SAC, filing
5 a Joint CMC statement, and preparing for and attending the CMC;

6 4. The Parties submit that this agreement was made in the spirit of conserving judicial
7 resources and is in the best interests of the Parties;

8 5. The Parties, therefore, respectfully request that: (1) the CMC scheduled for
9 December 10, 2015 be continued to a date convenient for the Court after January 4, 2016, (along
10 with all dates associated therewith); (2) the date for filing the Joint CMC Statement be continued
11 until one week before the new CMC date (along with all dates associated therewith); and (3)
12 Defendant LITB Limited's time to answer, move against, or otherwise respond to the SAC be
13 extended from November 13, 2015, to and including December 1, 2015.

14 Dated: November 10, 2015

SIMPSON THACHER & BARTLETT LLP

15 By: /s/ Harrison J. Frahn IV

16 Harrison J. Frahn IV
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17 *Attorney for Defendant, Light In The Box Limited*

18 FOX ROTHSCHILD LLP

19 By: /s/ John Shaeffer

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23 *Attorneys for Plaintiff, E & E CO., LTD.*

24 **Attestation:** Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that concurrence in the filing
25 of this document has been obtained from the signatories to this document.
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1 **[PROPOSED] ORDER**

2 Pursuant to the Parties' stipulation and for good cause shown, IT IS HEREBY
3 ORDERED that:

4 1. The Case Management Conference shall be continued from December 10, 2015,
5 until January 21, 2016; at 9:30 a.m.

6 2. All other deadlines associated with the Case Management Conference shall be
7 continued, accordingly, including the filing of a Joint Case Management Conference statement,
8 which shall be continued until one week before the new CMC date. The Parties shall comply with
9 this Court's Standing Order re: Initial Case Management and the Standing Order for All Judges of
10 the Northern District of California re: Contents of Case Management Statements.

11 3. Defendant LITB Limited's time to answer, move against, or otherwise respond to
12 the Second Amended Complaint is extended by 18 days, from November 13, 2015, to and
13 including December 1, 2015.

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16 Dated: November ¹⁶ __, 2015

