

1 Harrison J. Frahn IV (Bar No. 206822)
 hfrahn@stblaw.com
 2 SIMPSON THACHER & BARTLETT LLP
 2475 Hanover Street
 3 Palo Alto, California 94304
 Telephone: (650) 251-5000
 4 Facsimile: (650) 251-5002

5 *Attorney for Defendant Light In The Box Limited*

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

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

14 vs.

15 LIGHT IN THE BOX LIMITED, a Hong
 Kong corporation,
 16
 17 Defendant.

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

Judge Edward M. Chen

**STIPULATION AND ~~[PROPOSED]~~
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE,
 ASSOCIATED DATES, AND ADR PHONE
 CONFERENCE**

Third Amended Complaint Filed:
 February 4, 2016

Current CMC Date: March 3, 2016

19 Plaintiff E & E Co., Ltd., (“Plaintiff” or “E & E”) and Defendant Light In The Box
 20 Limited (“Defendant” or “LITB”) (collectively, the “Parties”), hereby stipulate to a fourteen (14)
 21 day continuance of the initial Case Management Conference (“CMC”), currently set for March 3,
 22 2016, and all dates associated therewith, including the time to file the Case Management
 23 Statement and for the exchange of Initial Disclosures. The Parties further stipulate to a fourteen
 24 (14) day continuance of the ADR Phone Conference currently set for February 22, 2016. The
 25 Parties’ stipulation is based on the following facts:

26 1. Following the filing of LITB’s Motion to Dismiss the First Amended Complaint on
 27 September 14, 2015 (Dkt. No. 44), the Court reset the CMC from November 9, 2015, to December
 28 10, 2015 (Dkt. No. 46);

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

3 3. After ongoing settlement discussions, the Parties entered into a joint stipulation and
4 proposed order to continue the CMC (Dkt. No. 66), which order was entered by the Court on
5 November 16, 2015, resetting the CMC for January 21, 2016 (Dkt. No. 67);

6 4. Following the filing of LITB’s Motion to Dismiss the Second Amended Complaint
7 on December 28, 2015 (Dkt. No. 72), the Court reset the CMC from January 21, 2016, to March 3,
8 2016, and set the date for the submission of the Case Management Statement to February 25, 2016
9 (Dkt. No. 73).

10 5. Plaintiff E & E filed a Third amended Complaint (“TAC”) in the above captioned
11 case against Defendant LITB on February 4, 2016 (Dkt. No. 79), and Defendant LITB filed an
12 Answer to the TAC on February 11, 2016 (Dkt. No. 80).

13 6. At the request of the Parties, an ADR Phone Conference was scheduled for
14 February 22, 2016 (Dkt. No. 83).

15 7. The Parties have since reengaged in settlement discussions and made significant
16 strides towards resolution of this matter, and would like time to continue their settlement talks
17 before taking the time and expense of filing a Joint CMC statement, preparing and exchanging
18 Initial Disclosures, preparing for and participating in the ADR Phone Conference, and preparing
19 for and attending the CMC.

20 8. The Parties submit that this agreement was made in the spirit of conserving judicial
21 resources and is in the best interests of the Parties.

22 9. The Parties, therefore, respectfully request that the CMC scheduled for March 3,
23 2016, be continued for fourteen (14) days until March 17, 2016, or a date convenient to the Court,
24 along with all dates associated therewith, including continuing the date for filing the Joint CMC
25 Statement and exchanging Initial Disclosure to one week before the new CMC date. The Parties
26 further request that the ADR Phone Conference currently set for February 22, 2016, be continued
27 for fourteen (14) days until March 7, 2016, or a date convenient to the Court and ADR Unit.
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1 Dated: February 18, 2016

SIMPSON THACHER & BARTLETT LLP

2 By: /s/ Harrison J. Frahn IV

3 Harrison J. Frahn IV
hfracn@stblaw.com

4 *Attorney for Defendant, Light In The Box Limited*

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6 FOX ROTHSCHILD LLP

7 By: /s/ John Shaeffer

8 John Shaeffer
jshaeffer@foxrothschild.com
Ashe Puri
apuri@foxrothschild.com

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

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

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

1. The Case Management Conference shall be continued from March 3, 2016, until March 17, 2016;

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

~~3. The ADR Phone Conference shall be continued from February 22, 2016, until _____, 2016;~~ Party to contact ADR Unit directly to reschedule conference.

Dated: February 19, 2016



Hon. Edward M. Chen,
United States District Judge