

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*

6
 7
 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 17, 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 17,
 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 March 14, 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 reengaged in settlement discussions and made significant strides
16 towards resolution of this matter, resulting in a request to continue the CMC, its associated dates,
17 and the ADR Phone Conference on February 18, 2016 (Dkt. No. 84). Such request was granted on
18 February 19, 2016 (Dkt. No. 85) causing the CMC to be rescheduled for March 17, 2016, along
19 with its associated dates, and the ADR Phone Conference to be rescheduled for March 14, 2016,
20 by the ADR Unit.

21 8. The Parties remain in close and diligent settlement negotiations and would like
22 time to continue their settlement talks before taking the time and expense of filing a Joint CMC
23 statement, preparing and exchanging Initial Disclosures, preparing for and participating in the
24 ADR Phone Conference, and preparing for and attending the CMC.

25 9. The Parties submit that this agreement was made in the spirit of conserving judicial
26 resources and is in the best interests of the Parties.

27 10. The Parties, therefore, respectfully request that the CMC scheduled for March 17,
28 2016, be continued for fourteen (14) days until March 31, 2016, or a date convenient to the Court,

1 along with all dates associated therewith, including continuing the date for filing the Joint CMC
2 Statement and exchanging Initial Disclosure to one week before the new CMC date. The Parties
3 further request that the ADR Phone Conference currently set for March 14, 2016, be continued for
4 fourteen (14) days until March 28, 2016, or a date convenient to the Court and ADR Unit.

5 Dated: March 3, 2016

SIMPSON THACHER & BARTLETT LLP

6 By: /s/ Harrison J. Frahn IV

7 Harrison J. Frahn IV
hfracn@stblaw.com

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

9
10 FOX ROTHSCHILD LLP

11 By: /s/ John Shaeffer

12 John Shaeffer
jshaeffer@foxrothschild.com
13 Ashe Puri
apuri@foxrothschild.com

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

15 **Attestation:** Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that concurrence in the filing
16 of this document has been obtained from the signatories to this document.
17
18
19
20
21
22
23
24
25
26
27
28

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 March 17, 2016, until
5 April 7, 2016;

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 and
8 exchange of Initial Disclosures, which shall be continued until one week before the new CMC
9 date. The Parties shall comply with this Court's Standing Order re: Initial Case Management and
10 the Standing Order for All Judges of the Northern District of California re: Contents of Case
11 Management Statements.

12 3. The ADR Phone Conference shall be continued from March 14, 2016, until
13 March 28, 2016; (or to another date to be set by ADR Unit)

14
15 Dated: March 7, 2016

