

1 W. CHRISTIAN KRANKEMANN, ESQ (SBN 220438)  
 2 KRANKEMANN | PETERSEN LLP  
 3 Attorneys At Law  
 4 375 E Street, Suite 120  
 5 Santa Rosa, California 95404  
 6 Telephone: (707) 524-2200  
 7 Facsimile: (866) 858-0100  
 8 wck@krankemann.com  
 9  
 10 Attorney for Plaintiff  
 11 OptiRev, LLC

12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

VINTERACTIVE, LLC,

Plaintiff,

v.

OPTIREV, LLC,

Defendant.

Case No.: 3:15-cv-02903-SI

**JOINT STIPULATION AND**  
~~**[PROPOSED]**~~ **ORDER**  
**RESCHEDULING INITIAL CASE**  
**MANAGEMENT CONFERENCE**

**Courtroom: 10**  
**Judge: Susan Illston**  
**Trial Date: None Set**

OPTIREV, LLC,

Counterclaimant,

v.

VINTERACTIV, LLC,

Counterdefendant.

**KRANKEMANN | PETERSEN LLP**

ATTORNEYS AT LAW

375 E Street, Suite 120 | Santa Rosa, California 95404  
Telephone (707) 524-2200 | Facsimile (866) 858-0100

1 Plaintiff/Counterdefendant VinterActive, LLC and Defendant/Counterclaimant  
2 OptiRev, LLC stipulate to and respectfully ask the Court to reschedule the Initial Case  
3 Management Conference that is currently scheduled for October 2, 2015, at 2:30 p.m., to  
4 **November 6, 2015, at 2:30 p.m.**, and to continue other deadlines accordingly, per the  
5 Order Setting Initial Case Management Conference and ADR Deadlines (ECF 3), which  
6 states: “If the Initial Case Management Conference is continued, the other deadlines are  
7 continued accordingly.”

8 There is good cause to reschedule the Case Management Conference, due to a  
9 scheduling conflict identified by OptiRev’s counsel, as set forth in accompanying  
10 declaration of W. Christian Krankemann in support of this stipulated request. Mr.  
11 Krankemann has trial-related conferences scheduled on October 2, for an insurance bad  
12 faith trial starting on October 6 in Marin County Superior Court. Trial is expected to run  
13 three to four weeks. At the same time, he is in the process of relocating his law firm to a  
14 separate building by the end of September 2015. He anticipates that trial- and move-related  
15 issues will consume nearly all of his time from now until the latter part of October.

16 Despite these scheduling issues, the parties are working diligently and cooperatively  
17 to advance this case. OptiRev filed its Answer and Counterclaim on August 7, 2015 (ECF  
18 17), and VinterActive filed its Answer to Counterclaim on August 27, 2015 (ECF 18). The  
19 parties have communicated by phone and email and have agreed to continue meet and  
20 confer efforts throughout October.

21 NOW THEREFORE, the parties stipulate and agree, subject to the Court’s approval,  
22 that:

23 (i) the Case Management Conference will be moved from September 25, 2015, at  
24 2:30 p.m., to <sup>October 30, 2015</sup> ~~November 6, 2015~~, at 2:30 p.m.

25 (ii) the Case Management Statement will be due on <sup>23</sup> ~~October 30~~, 2015, and all other  
26 deadlines set forth in the Order Setting Initial Case Management Conference and ADR  
27 Deadlines (ECF 3) will be continued accordingly.

28 ///

1 **IT IS SO STIPULATED.**

2

Respectfully submitted,

3

Dated: September 17, 2015

BERNARD IP LAW, LLC

4

/s/ Laura C. Rosenthal

5

Laura C. Rosenthal

Attorneys for Plaintiff/Counterdefendant

VinterActive, LLC

6

7

KRANKEMANN | PETERSEN LLP

8

/s/ W. Christian Krankemann

9

W. Christian Krankemann

Attorneys for Defendant/Counterclaimant

OptiRev, LLC

10

11

12 **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1**

13

I, W. Christian Krankemann, attest that concurrence in the filing of this Stipulation to

14

Reschedule the Initial Case Management Conference has been obtained from the other

15

signatory. I declare under penalty of perjury under the laws of the United States of America

16

that the foregoing is true and correct. Executed this 17th day of September, 2015, at Santa

17

Rosa, California.

18

s/ W. Christian Krankemann

19

W. Christian Krankemann

20

21

22

23

24

25

26

27


28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

~~PROPOSED~~ ORDER

Pursuant to stipulated request, **IT IS SO ORDERED.**

Dated: 9/18/15



\_\_\_\_\_  
Hon. Susan Illston  
United States District Judge

1 W. CHRISTIAN KRANKEMANN, ESQ (SBN 220438)  
2 KRANKEMANN | PETERSEN LLP  
3 Attorneys At Law  
4 375 E Street, Suite 120  
5 Santa Rosa, California 95404  
6 Telephone: (707) 524-2200  
7 Facsimile: (866) 858-0100  
8 wck@krankemann.com  
9  
10 Attorney for Plaintiff  
11 OptiRev, LLC

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

11 VINTERACTIVE, LLC,

12 Plaintiff,

13 v.

14 OPTIREV, LLC,

15 Defendant.

Case No.: 3:15-cv-02903-SI

**DECLARATION OF W. CHRISTIAN  
KRANKEMANN IN SUPPORT OF  
STIPULATION AND [PROPOSED]  
ORDER RESCHEDULING INITIAL  
CASE MANAGEMENT  
CONFERENCE**

18 OPTIREV, LLC,

19 Counterclaimant,

21 v.

22 VINTERACTIV, LLC,

23 Counterdefendant.

**Courtroom: 10**  
**Judge: Susan Illston**  
**Trial Date: None Set**

1 I, W. Christian Krankemann, declare as follows:

2 1. I am an attorney admitted to practice in California and before this Court. I am  
3 a partner in the law firm Krankemann | Petersen LLP, counsel of record for OptiRev, LLC  
4 in this matter. I make this declaration based on my own personal knowledge.

5 2. Pursuant to Civil L.R. 6-2, I submit this declaration in support of the parties'  
6 concurrently filed Joint Stipulation and [Proposed] Order Rescheduling the Initial Case  
7 Management Conference.

8 3. On June 23, 2015, the Court scheduled the Initial Case Management  
9 Conference in this matter for September 25, 2015, at 2:30 p.m. (ECF 3). On August 6,  
10 2015, the Court postponed the Initial Case Management Conference one week to October 2,  
11 2015.

12 4. Defendant/Counterclaimant OptiRev, LLC filed its Answer/Counterclaim on  
13 August 7, 2015 (ECF 17), and Plaintiff/Counterdefendant VinterActive, LLC filed its  
14 Answer to Counterclaim on August 27, 2015 (ECF 18).

15 5. I have a scheduling conflict on October 2, 2015 and therefore am not able to  
16 attend the Case Management Conference as currently scheduled. I am lead trial counsel in  
17 *De La Renta v. Geico*, an insurance bad faith case set in Marin County Superior Court, Civ-  
18 1202608 (filed June 6, 2012). The trial is set to start on October 6, and I have trial-related  
19 conferences scheduled for October 2, 2015 that I am unable to reschedule. Trial is expected  
20 to run for three to four weeks, and almost certainly will not be postponed.

21 6. I am also in the process of moving my law firm out of its current address by  
22 the end of this month, and into a separate building. I expect that trial and move-related  
23 issues will consume almost all of my time from now until the latter part of October.

24 7. In light of the abovementioned conflict, I requested that the parties agree to a  
25 new date for the Case Management Conference. Counsel for Plaintiff/Counterdefendant  
26 VinterActive, LLC, does not oppose the request.

27 8. Despite these scheduling issues, the parties are working diligently and  
28 cooperatively to advance this case via recent filings. The parties have also communicated

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

by phone and email and have agreed to continue meet and confer efforts throughout October.

9. Pursuant to Civil L.R. 6-2(a)(2), I have set forth below a list of previous time modifications in this action:

a. On July 28, 2015, pursuant to the parties' joint stipulation, the Court ordered that OptiRev, LLC had an additional 14 days to file its Answer/Counterclaim.

10. The parties do not foresee this time modification having any effect on the schedule for this matter.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 17th day of September, 2015, at Santa Rosa, California.

s/ W. Christian Krankemann  
W. Christian Krankemann