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 Versace USA, Inc.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

16 GIANNI VERSACE, S.P.A. and VERSACE
 USA, Inc.

17 Plaintiffs,

18 vs.

19 VERSACE 19.69 ABBIGLIAMENTO
 20 SPORTIVO S.R.L., THEOFANIS PAPADAS,
 V1969 VERSACE SMO LLC, V1969
 21 VERSACE HG LLC, and V1969 USA LLC.

22 Defendants.

Case No. 3:16-cv-03617-HSG

**STIPULATION AND ~~PROPOSED~~
 ORDER SETTING BRIEFING
 SCHEDULE FOR MOTIONS AND
 RELATED EXPEDITED DISCOVERY**

24 Plaintiffs Gianni Versace, S.p.A. and Versace USA, Inc. (“Versace”) and Defendants
 25 Versace 19.69 Abbigliamento Sportivo, S.r.l. and Theofanis Papadas (“VAS Defendants”), by and
 26 through their respective counsel of record, hereby stipulate and agree as follows:
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 28

1 WHEREAS, Versace filed the complaint in the above-captioned action on June 27, 2016
2 against the VAS Defendants and their licensees—V1969 Versace SMO LLC, V1969 Versace HG
3 LLC, and V1969 Versace USA LLC (“Versace 19.69 Licensees”);

4 WHEREAS, since July 2016, Versace has been engaged in settlement discussions with the
5 VAS Defendants and the Versace 19.69 Licensees, subject to their agreement that any motion for
6 preliminary injunction filed by Versace in the event they could not reach a settlement would not be
7 opposed on grounds of delay;

8 WHEREAS, Versace and the Versace 19.69 Licensees believe they are close to reaching a
9 settlement and counsel for the Versace 19.69 Licensees has informed Versace’s counsel that they
10 will not oppose any motion for preliminary injunction as to the Versace 19.69 Licensees;

11 WHEREAS, despite continuing attempts, including an in-person meeting on September 20,
12 2016, Versace and the VAS Defendants have been unable to reach a settlement and Versace’s
13 counsel have therefore informed counsel for the VAS Defendants that Versace intends to file a
14 preliminary injunction motion as to the VAS Defendants and seek related expedited discovery;

15 WHEREAS, in response, counsel for the VAS Defendants informed Versace’s counsel that
16 the VAS Defendants will oppose Versace’s preliminary injunction motion and seek a protective
17 order prohibiting all discovery on the ground that this Court does not have personal jurisdiction
18 over the VAS Defendants;

19 WHEREAS, counsel for Versace and the VAS Defendants have met and conferred and, in
20 the interest of avoiding unnecessary motion practice and facilitating the orderly and efficient
21 resolution of their respective motions, have agreed on a briefing schedule and limited expedited
22 discovery that allows for resolution of the VAS Defendants’ personal jurisdiction motion before
23 proceeding to Versace’s preliminary injunction motion;

24 WHEREAS, the VAS Defendants consent to service of reasonable discovery requests and
25 one deposition notice on jurisdictional issues by email on their counsel of record and agree to
26 provide documents and other information in response to such discovery request, and do not by this
27 consent and agreement waive their objection to personal jurisdiction;

28

1 WHEREAS, the VAS Defendants acknowledge that Versace's agreement to the schedule
2 set forth below will not be used to argue against the issuance or scope of a preliminary injunction
3 on grounds of delay or balance of the hardships;

4 WHEREAS, Versace is conducting third-party discovery on jurisdictional issues which
5 should be completed before the deadline to file its opposition to the VAS Defendants' personal
6 jurisdiction motion under the schedule below, but, if it not completed, may require amending the
7 schedule, subject to Court approval, to allow the parties sufficient time to prepare their respective
8 briefs and to allow the Court sufficient time to consider the papers before the hearing;

9 NOW THEREFORE, Versace and the VAS Defendants hereby agree, subject to approval
10 by the Court:

11 1. VAS Defendants' Personal Jurisdiction Motions:

- 12 • VAS Defendants will file their personal jurisdiction motions by October 28, 2016;
- 13 • Versace will serve any jurisdictional discovery by October 31, 2016;
- 14 • VAS Defendants will respond to jurisdictional discovery by November 11, 2016;
- 15 • Versace will have until December 1, 2016 to file an opposition;
- 16 • Defendants will have until December 8, 2016 to reply; and
- 17 • Hearing: December 22, 2016 at 2:00 p.m.

18 2. Versace's Preliminary Injunction Motion:

- 19 • Versace will serve any discovery in support of its preliminary injunction motion within
20 seven (7) calendar days of the ruling on the VAS Defendants' personal jurisdiction motion;
- 21 • VAS Defendants will respond to any such discovery within fourteen (14) calendar days of
22 service;
- 23 • Versace will file its preliminary injunction motion within thirty (30) calendar days of
24 receiving the VAS Defendants' discovery responses or resolution of any related disputes,
25 whichever is later;
- 26 • VAS Defendants will have thirty (30) calendar days from the date Versace files its
27 preliminary injunction motion to file an opposition; and
- 28 • Versace shall have fourteen (14) calendar days from the date of any opposition to reply;
- Hearing: TBD.

IT IS SO STIPULATED.

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DATED: October 21, 2016

MUNGER, TOLLES & OLSON LLP

By: /s/Rosemarie T. Ring
ROSEMARIE T. RING

Attorneys for Gianni Versace, S.P.A and
Versace USA, Inc.

DATED: October 21, 2016

SFIKAS & KARAMBELAS LLP

By: /s/Nicholas G. Karambelas
NICHOLAS G. KARAMBELAS

Attorneys for Versace 19.69 Abbigliamento Sportivo
S.R.L. and Theofanis Papadas

1 ~~PROPOSED~~ ORDER

2 Pursuant to the foregoing Stipulation Setting Briefing Schedule For Motions And Related
3 Expedited Discovery, and good cause appearing:

4 1. VAT Defendants' Personal Jurisdiction Motion: VAT Defendants' motion to dismiss for
5 lack of personal jurisdiction and related discovery shall proceed as follows:

- 6 • VAS Defendants will file their personal jurisdiction motion by October 20, 2016;
- 7 • Versace will serve any jurisdictional discovery by October 24, 2016;
- 8 • VAS Defendants will respond to any such discovery by November 11, 2016;
- 9 • Versace will have until December 1, 2016 to file an opposition;
- 10 • Defendants will have until December 8, 2016 to reply; and
- 11 • Hearing: December 29, 2016 at 2:00 p.m.

12 2. Versace's Preliminary Injunction Motion: Versace's motion for preliminary injunction
13 and related discovery shall proceed as follows:

- 14 • Versace will serve any discovery in support of its preliminary injunction motion within
15 seven (7) days of the ruling on the VAS Defendants' personal jurisdiction motion;
- 16 • VAS Defendants will respond to any such discovery within fourteen (14) days of service;
- 17 • Versace will file its preliminary injunction motion within thirty (30) calendar days of
18 receiving the VAS Defendants' discovery responses or resolution of any related disputes,
19 whichever is later;
- 20 • VAS Defendants will have thirty (30) calendar days from the date Versace files its
21 preliminary injunction motion to file an opposition; and
- 22 • Versace shall have fourteen (14) calendar days from the date of any opposition to reply;
- 23 • Hearing: TBD.

24 **IT IS SO ORDERED.**

25
26 DATED: 10/26/2016


Hon. Haywood S. Gilliam, Jr.