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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 FITBIT, INC., a Delaware Corporation,
18 Plaintiff,
19 v.
20 LAGUNA 2, LLC, et al.,
21 Defendants.
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Case No. 3:17-cv-00079 EMC (EDL)
**JOINT STIPULATED REQUEST AND
[PROPOSED] ORDER TO BRIEFLY
EXTEND SETTLEMENT CONFERENCE
DEADLINE PURSUANT TO CIV. L.R. 6-
1(B) AND 6-2** and resetting status
conference

1 Pursuant to Civil L.R. Rules 6-1(b) and 6-2 and the Court’s Case Management Order, Dkt.
2 No. 86, Plaintiff Fitbit, Inc. (“Fitbit”) and Defendants Cali Resources, Inc., Carlos Kelvin, and
3 Great Value, LLC (together “Cali”), as well as Defendants Laguna 2, LLC and Joel Blank
4 (together “L2,” and collectively with Cali and Fitbit, the “Parties”) hereby respectfully submit the
5 following joint stipulated request and proposed order, requesting that the Court briefly extend the
6 deadline for the Parties to hold the settlement conference for good cause set forth in more detail
7 below. The Parties have also concurrently filed the Declaration of Zachary Alinder in Support of
8 this Stipulation and Proposed Order (“Alinder Decl.”), as required by Civ. L.R. 6-2(a).

9 **I. PRELIMINARY STATEMENT RE STIPULATED REQUEST FOR EXTENSION**

10 Through this joint stipulated request, pursuant to Civ. L.R. Rule 6-1(b) and 6-2, the Parties
11 respectfully request that the Court briefly extend the deadline for the Parties to complete a
12 settlement conference to November 8, 2017. For the reasons set forth below, the Parties stipulate
13 that this brief extension would enable the Parties to schedule a later conference, in which all
14 defendants can participate, but which will still conclude before the next case management
15 conference scheduled before the Court on November 9. In addition, the Parties have not
16 previously requested any extension of the deadline to complete the settlement conference in this
17 Action. Accordingly, the Parties stipulate and respectfully submit that good cause exists here for
18 the requested extension because it would further the goals of the Court’s ADR processes and also
19 help conserve the resources and time of the Court and the Parties, while still preserving the
20 broader case management schedule set by the Court in its Case Management Order, Dkt. No. 86.

21 **II. RELEVANT BACKGROUND**

22 On June 8, 2017, the Court held a case management conference in the above captioned
23 case. (Dkt. No. 85.) In the Case Management Order issued following the conference, the Court
24 set a deadline of October 13, 2017 to complete a settlement conference and set a further status
25 conference for November 9, 2017. (Dkt. No. 86.)

26 Subsequently Magistrate Judge Laporte issued an order setting a settlement conference for
27 September 20, 2017. (Dkt. No 89.)

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1 On July 21, 2017, Fitbit filed a Second Amended Complaint. (Dkt. No. 92.) The Second
2 Amended Complaint added eleven new defendants to the suit. On August 21, 2017, Defendants
3 L2 and Cali moved to dismiss. (Dkt. Nos. 99, 101.) The hearing on those motions is currently
4 scheduled for September 28, 2017, which is eight days after the currently scheduled settlement
5 conference.

6 While Fitbit has served new defendants, they have not yet appeared or responded to the
7 Second Amended Complaint. (Dkt. Nos. 102-06.) It is unclear if they intend to participate in the
8 settlement conference currently scheduled for September 20, 2017.

9 **III. GOOD CAUSE EXISTS FOR THE COURT TO BRIEFLY EXTEND THE**
10 **DEADLINE TO HOLD THE SETTLEMENT CONFERENCE**

11 L2 and Fitbit have previously attended two settlement conferences related to this dispute,
12 which were conducted in the District of New Jersey. Cali was represented and participated in the
13 second conference. Based on that experience, the Parties have conferred and agree that the next
14 settlement conference is substantially more likely to be fruitful if conducted after: (1) the hearing
15 on Defendants' pending motions to dismiss (set for September 28, 2017), and (2) the remaining
16 Defendants have appeared and confirm they can participate.

17 However, the Parties have met and conferred and have been unable to identify a suitable
18 date before the October 13, 2017 deadline that is available to Judge Laporte and to all Parties. In
19 addition, due to a trial scheduled in late October and other commitments, Cali is unavailable to
20 conduct a settlement conference during the weeks of October 9, 16, and 23. Finally, it is unclear
21 whether the newly-added Defendants are available for, and would appear, in any event for the
22 currently-scheduled September 20, 2017 settlement conference date, since they have not appeared
23 in the case at this point. In addition, the Parties have submitted a declaration in support, setting
24 forth the items required by Civil L.R. 6-2(a)(1)-(3), by concurrently filing the Alinder Decl.

25 Accordingly, the Parties hereby stipulate and respectfully request that the Court reset the
26 deadline for completing a settlement conference to November 8, 2017. This deadline would
27 enable the Parties to schedule a later conference in which all defendants can participate, but which
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ORDER

PURSUANT TO STIPULATION, the deadline for the Parties to complete the settlement conference shall be extended from October 13, 2017 to November 8, 2017. IT IS SO ORDERED. Status conference is reset from 11/9/2017 to Tuesday 11/21/2017 at 10:30 a.m. An updated joint status report shall be filed by 11/14/2017.

Dated: _____ 9/8/2017 _____



