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19 Attorneys for Plaintiffs and Counterclaim Defendants
 20 LAGREE TECHNOLOGIES, INC., LAGREE FITNESS, INC.,
 21 MAXIMUM FITNESS INCORPORATED, and SEBASTIEN LAGREE

22 UNITED STATES DISTRICT COURT
 23 NORTHERN DISTRICT OF CALIFORNIA

24 LAGREE TECHNOLOGIES, INC.,
 25 LAGREE FITNESS, INC., MAXIMUM
 26 FITNESS INCORPORATED, AND
 27 SEBASTIEN LAGREE,

28 Plaintiffs and Counterclaim
 Defendants,

SPX FITNESS, INC., AND ROES 1-10,
 INCLUSIVE

Counterclaim Defendants,

vs.

SPARTACUS 20TH L.P., SPARTACUS
 20TH G.P., INC., PHILIP R. PALUMBO,
 JAKOB IRION, BODYROK
 FRANCHISE, L.P., BODYROK
 FRANCHISE G.P., INC., EXERCISE

No. 3:17-CV-00795-JST

**PARTIES' STIPULATION TO MOVE
 PREVIOUSLY NOTICED MOTION
 HEARINGS UNDER CIVIL L.R. 6-2(a)
 AND ~~PROPOSED ORDER~~.**

1 TECHNOLOGIES, L.P., BODYROK
2 MARINA, LP., SCULPT FITNESS
3 BERKELEY, LLC, AND DOES
4 1 THROUGH 10, INCLUSIVE,

5
6 Defendants and Counterclaim
7 Plaintiffs.

8 TO THE HONORABLE JON S. TIGAR AND THE CLERK OF THE COURT:

9 Pursuant to Rule 6-2(a) of the Civil Local Rules (L.R.), Counterclaim Defendants
10 LAGREE TECHNOLOGIES, INC., LAGREE FITNESS, INC., MAXIMUM FITNESS
11 INCORPORATED, SEBASTIEN LAGREE, and SPX FITNESS, INC. (“Counter-defendants”),
12 and Counterclaim Plaintiffs SPARTACUS 20TH L.P., SPARTACUS 20TH G.P., INC., PHILIP P.
13 PALUMBO, JAKOB IRION, BODYROK FRANCHISE, L.P., BODYROK FRANCHISE G.P.,
14 INC., EXERCISE TECHNOLOGIES, L.P., BODYROK MARINA, L.P., SCULPT FITNESS
15 BERKELEY, LLC, and SPARTACUS LOMBARD, L.P. (“Counter-plaintiffs”) (hereinafter
16 collectively the “Parties”), stipulate as follows:

17 WHEREAS, the Court noticed a Motion Hearing for August 3, 2017 at 9:30 am as to
18 Plaintiffs’ Motion to Strike Answer to Amended Complaint and Plaintiffs’ Motion to Dismiss
19 Defendants’ Counterclaims (dkt. Nos. 70, 71, 72, 73);

20 WHEREAS, the Court noticed a Motion Hearing for September 12, 2017 at 2:00 pm as to
21 Plaintiffs’ Motion to Dismiss Plaintiff’s Patent Infringement Claims and Related Counterclaims
22 (dkt. Nos. 79, 80);

23 WHEAREAS, counsel for Plaintiffs/Counter-defendants has a recently developed conflict
24 with the August 3 hearing;

25 WHEREAS, there are issues that overlap with respect to Plaintiff’s Motion to Dismiss
26 Plaintiff’s Patent Infringement Claims and Related Counterclaims (dkt. No. 79) and Plaintiffs’
27 Motion to Strike Answer to Amended Complaint (dkt No. 70) and Plaintiffs’ Motion to Dismiss
28

1 Defendants' Counterclaims (dkt. Nos. 72-73), and a ruling as to one motion could affect the
2 Court's evaluation of another motion;

3 WHEREAS, the Parties have stipulated to combine the Motion Hearings into one Motion
4 Hearing on September 12, 2017 at 2:00 pm;

5 WHEREAS, the Parties would be available at an earlier date, subject to the Court's
6 calendar, but the Parties understand (from the Court's calendar online) that the following earlier
7 dates are not currently available: August 31 or Sept 7;

8 WHEREAS, the Parties have stipulated to three previous time modifications in connection
9 with responses to the Parties' pleadings on April 11, 2017 (dkt. No. 35) and May 18, 2017 (dkt.
10 No. 51), and June 14, 2017 (dkt. No. 68);

11 WHEREAS, this stipulation will not alter the date of any event or any deadline already
12 fixed by Court order.

13 WHEREAS, this stipulation will alter the date of the Motions Hearing on August 3, 2017
14 at 9:30 am.

1 NOW, THEREFORE, the Parties, by and through their respective counsel, hereby
2 stipulate and agree that the Motion Hearing on August 3, 2017 at 9:30 and the Motion Hearing on
3 September 12, 2017 at 2:00 pm shall be combined in one hearing on September 12, 2017.
4

5
6 Dated: July 20, 2017

NEUSTEL LAW OFFICES, LTD

7 /s/ Edward K. Runyan

Edward K. Runyan (*pro hac vice*)

8 Chad E. Ziegler (*pro hac vice*)

9 Michelle G. Breit (Bar No. 133143)

10 *Attorneys for Counter-defendants,*
LAGREE TECHNOLOGIES, INC.,
11 LAGREE FITNESS, INC.,
12 MAXIMUM FITNESS INCORPORATED,
13 SEBASTIEN LAGREE, and SPX FITNESS, INC.

14 Dated: July 20, 2017

/s/ Robert P. Andris

15 Robert P. Andris (SBN: 130290)

16 Michael D. Kanach (SBN: 271215)

Kevin W. Alexander (SBN: 175204)

17 *Attorneys for Counter-plaintiffs,*
SPARTACUS 20TH L.P.,
18 SPARTACUS 20TH G.P., INC.,
PHILIP P. PALUMBO,
19 JAKOB IRION,
BODYROK FRANCHISE, L.P.,
20 BODYROK FRANCHISE, G.P., INC.,
EXERCISE TECHNOLOGIES, L.P.,
21 BODYROK MARINA, LP,
SCULPT FITNESS BERKELEY, LLC, and
22 SPARTACUS LOMBARD, L.P.
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: July 20, 2017 _____



UNITED STATES DISTRICT JUDGE
Honorable Jon S. Tigar

1 **FILER'S ATTESTATION**

2
3 I, Edward K. Runyan, am an ECF user whose ID and password are being used to file this
4 CIVIL L.R. 6-2(a) PARTIES' STIPULATION TO MOVE PREVIOUSLY NOTICED MOTION
5 HEARINGS. Counter-Defendants' counsel obtained Defendants' counsel's authority prior to the
6 filing of this document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that counsel for
7 the Defendants concur in this filing.
8

9 /s/ Edward K. Runyan
10 Edward K. Runyan
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