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HANDI-CRAFT COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

WHITTLESTONE, INC., a California
corporation,

Plaintiff,

v.

HANDI-CRAFT COMPANY, a Missouri
corporation,

Defendants.

No. CV 08-04193 SBA

Assigned to the Hon. Sandra B.
Armstrong, Courtroom 3

**STIPULATION AND ORDER TO
MODIFY ORDER FOR PRE-TRIAL
PREPARATION TO ALLOW FILING
OF FIRST AMENDED ANSWER TO
SECOND AMENDED COMPLAINT
AND FIRST AMENDED COUNTER-
CLAIM**

Action Filed: September 4, 2008

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HANDI-CRAFT COMPANY,
Counter-Claimant,
v.
WHITTLESTONE, INC.,
Counter-Defendant.

Pursuant to Civil Local Rules 7-1(a)(5) and 7-12 and Federal Rules of Civil Procedure (“FRCivP”) 16(b)(4), Plaintiff Whittlestone, Inc. (“Whittlestone”) and Defendant Handi-Craft Company (“Handi-Craft”), by and through their counsel, hereby stipulate to the following:

WHEREAS the Court entered an Order for Pre-Trial Preparation on May 20, 2011. The deadline for amending the pleadings, as established by such Order, was June 8, 2011.

WHEREAS Handi-Craft represents that on July 8, 2011 it acquired from a third party various e-mails exchanged between a resident of the United Kingdom and the principal of Whittlestone.

WHEREAS Handi-Craft believes that the communications in the above e-mails provide it with facts supporting an affirmative defense of fraud in the inducement as to the claims made in Plaintiff’s Second Amended Complaint. Handi-Craft also believes that the e-mails provide it with facts supporting a cause of action against Whittlestone for fraud in the inducement.

WHEREAS Handi-Craft represents that, prior to July 8, 2011, it was not in possession of the above e-mails and did not know they existed. In addition, Handi-Craft represents that it was not, prior to July 8, 2011, otherwise aware of the facts contained in the e-mails nor was it

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IT IS SO STIPULATED.

MORGAN, FRANICH, FREDKIN & MARSH

/s/ David A. Kays

Dated: August 19, 2011

By: _____
David A. Kays
Attorneys for Plaintiff/Counter-Defendant
WHITTLESTONE, INC.

DATED: August 19, 2011

BURNHAM BROWN
HERZOG CREBS LLP

/s/ Rohit A Sabnis

By _____
ROHIT A. SABNIS
Attorneys for Defendant/Counter-Claimant
HANDI-CRAFT COMPANY

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 30, 2011



HON. SAUNDRA B. ARMSTRONG
UNITED STATES DISTRICT COURT JUDGE

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