

1 ALEXANDER M. WEYAND (SBN 108147)  
aweyand@wynlaw.com  
2 PAUL P. DeANGELIS (SBN 193913)  
pdeangelis@wynlaw.com  
3 REBECCA M. HOBERG (SBN 224086)  
rheberg@wynlaw.com  
4 WEYAND LAW FIRM, A Professional Corporation  
531 Howard Street, First Floor  
5 San Francisco, CA 94105  
Telephone: (415) 536-2800  
6 Facsimile: (415) 536-2818

7 Attorneys for Defendants PATRICK SILVAGNIA  
and DAVID LEE  
8

9  
10 UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION  
12

13 CAREY F. DALY,

14 Plaintiff,

15 v.

16 PEARL SPIRITS, INC., a California  
17 corporation, PATRICK SILVAGNIA, DAVID  
18 LEE, LUXCO, INC., a Missouri corporation and  
DOES 1-100 inclusive,

19 Defendants.

Case No. 4:08-cv-04398-PJH

**STIPULATION AND ORDER TO  
EXTEND TIME FOR DEFENDANTS  
TO SEEK FEES AND COSTS**

20 The parties, Plaintiff CAREY F. DALY and Defendants PATRICK SILVAGNIA,  
21 DAVID LEE, and PEARL SPIRITS, INC., by and through their counsel of record, hereby  
22 stipulate and agree to extend the time for Defendants to file (1) a motion seeking attorneys fees  
23 and expenses, pursuant to Rule 37(c)(2) and Rule 11 of the Federal Rules of Civil Procedure, or  
24 under contract as a prevailing party, and (2) a bill of costs pursuant to Civil Local Rule 54-1.

25 To the extent that Civil Local Rule 54-4, relating to motions for attorneys fees, applies to  
26 a motion seeking to recover fees and expense under these Federal Rules, the current deadline for  
27 filing such a motion would be December 3, 2009. A motion for attorneys fees under contract is  
28 also due December 3, 2009. Pursuant to Civil Local Rule 54-1, the current deadline for filing a

1 bill of costs is December 3, 2009.

2 An extension of the above deadlines is necessary and desirable to allow time for the  
3 parties to meet and confer regarding any such motion or bill of costs, and to explore possible  
4 informal resolution of same or other options.

5 To ensure ample time to meet and confer, and taking into consideration the upcoming  
6 holiday season, the parties agree that any such motion or bill of costs will not be filed prior to  
7 December 30, 2009.

8 The parties further agree that any such motion or bill of costs shall be filed no later than  
9 January 8, 2010.

10 **SO STIPULATED.**

11 Dated: December 3, 2009

WEYAND LAW FIRM, P.C.

*Alexander M. Weyand*

Alexander M. Weyand  
Attorneys for Defendants PATRICK SILVAGNIA  
and DAVID LEE

15 Dated: December 3, 2009

LAW OFFICES OF ERIC C. SHAW

*Eric C. Shaw*

Eric C. Shaw  
Attorneys for Defendant PEARL SPIRITS, INC.

21 Dated: December 3, 2009

LAW OFFICES OF PAUL J. STEINER

*Paul J. Steiner*

Paul J. Steiner  
Attorneys for Plaintiff CAREY F. DALY,  
individually and as assignee

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

27 Dated: 12/8/09

Hon. Phyllis

