

1 Scott A. Bursor  
 LAW OFFICES OF SCOTT A. BURSOR  
 2 369 Lexington Avenue, 10th Floor  
 New York, NY 10017  
 3 Telephone: (212) 989-9113  
 Facsimile: (212) 989-9163

4 Anthony Vozzolo  
 Christopher Marlborough  
 5 FARUQI & FARUQI, LLP  
 6 369 Lexington Avenue, 10<sup>th</sup> Floor  
 New York, New York 10017  
 7 Telephone: (212) 983-9330  
 Facsimile: (212) 983-9331

8 Alan R. Plutzik (State Bar No. 077785)  
 9 L. Timothy Fisher (State Bar No. 191626)  
 BRAMSON, PLUTZIK, MAHLER & BIRKHAUSER, LLP  
 10 2125 Oak Grove Road, Suite 120  
 Walnut Creek, CA 94598  
 11 Telephone: (925) 945-0200  
 Facsimile: (925) 945-8792

12 Attorneys for Plaintiff and the Class

13  
 14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

16 JAMES THOMAS, on behalf of himself and all  
 those similarly situated,

17 Plaintiff,

18 v.

19 GLOBAL VISION PRODUCTS, INC.,  
 20 ANTHONY IMBRIOLO, DERRIKE COPE,  
 DAVID L. GORDON, POWERTEL  
 21 TECHNOLOGIES, INC., CRAIG DIX, HENRY  
 EDELSON and ROBERT DEBENEDICTIS,

22 Defendants.  
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Case No. CV-08-05581 WDB  
 ORDER ON  
**STIPULATION RE MEET AND CONFER  
 AND ADR DEADLINES**

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 28 STIPULATION RE MEET AND CONFER AND ADR DEADLINES  
 CASE NO. CV-08-05581-WDB  
 57662

1 **STIPULATION**

2 WHEREAS, defendant Robert DeBenedictis filed a notice of removal of the above-  
3 entitled action on December 15, 2008;

4 WHEREAS, the Court issued an Order Setting Initial Case Management Conference and  
5 ADR Deadlines on December 15, 2008 requiring the parties to meet and confer re: initial  
6 disclosures, early settlement, ADR process selection, and a discovery plan by March 3, 2009;

7 WHEREAS, the December 15, 2008 order requires the parties to file an ADR  
8 Certification and either a Stipulation to ADR Process or Notice of Need for ADR Phone  
9 Conference by March 3, 2009;

10 WHEREAS, plaintiff James Thomas filed a motion for abstention or remand on January  
11 23, 2009;

12 WHEREAS, the Court is scheduled to hear plaintiff's motion for abstention or remand on  
13 March 18, 2009 at 1:30 p.m.; and

14 WHEREAS, the parties seek to postpone their meet and confer regarding initial  
15 disclosures, early settlement, ADR process selection and a discovery plan and the deadlines to  
16 file an ADR Certification and either a Stipulation to ADR Process or Notice of Need for ADR  
17 Phone Conference until after the Court rules on the motion for abstention or remand.

18 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by plaintiff James  
19 Thomas and defendants Robert DeBenedictis and Henry Edelson and their respective counsel as  
20 follows:

21 1. The deadline for the parties to meet and confer regarding initial disclosures, early  
22 settlement, ADR process selection and a discovery plan shall be continued to two weeks after the  
23 Court issues its order on plaintiff's motion for abstention or remand.

24 2. The deadline for the parties to file an ADR Certification and either a Stipulation  
25 to ADR Process or Notice of Need for ADR Phone Conference shall also be continued to two  
26 weeks after the Court issues its order on plaintiff's motion for abstention or remand.

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Dated: March 3, 2009

BRAMSON, PLUTZIK, MAHLER & BIRKHAUSER,  
LLP  
Alan R. Plutzik (State Bar No. 077785)  
L. Timothy Fisher (State Bar No. 191626)  
2125 Oak Grove Road, Suite 120  
Walnut Creek, CA 94598  
Telephone: (925) 945-0200

By: \_\_\_\_\_ /s/  
L. Timothy Fisher

Attorneys for Plaintiff James Thomas

Dated: March 3, 2009

KRIEG KELLER SLOAN REILLY & ROMAN, LLP  
Sharon Lai (State Bar No. 249122)  
114 Sansome Street, 4<sup>th</sup> Floor  
San Francisco, CA 94104  
Telephone: (510) 594-7600

By: \_\_\_\_\_ /s/  
Sharon Lai

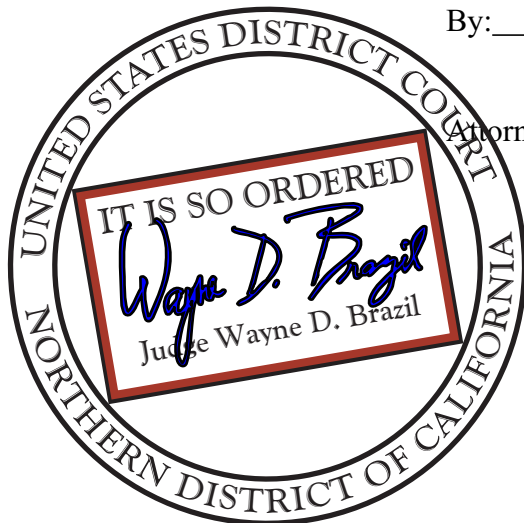
Attorneys for Defendant Henry Edelson

Dated: March 3, 2009

LECLAIR RYAN  
Peter M. Hart (State Bar No. 107920)  
44 Montgomery Street, 18<sup>th</sup> Floor  
San Francisco, CA 94104  
Telephone: (415) 391-7111

By: \_\_\_\_\_ /s/  
Peter M. Hart

Attorneys for Defendant Robert DeBenedictis



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**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, L. Timothy Fisher, attest that concurrence in the filing of this document has been obtained from the other signatory. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 3rd day of March, 2009 at Walnut Creek, California.

\_\_\_\_\_/s/ L. Timothy Fisher\_\_\_\_\_