

1 THOMAS R .BURKE (CA State Bar No. 141930)
 2 DAVIS WRIGHT TREMAINE LLP
 505 Montgomery Street, Suite 800
 3 San Francisco, California 94111
 Telephone: (415) 276-6500
 4 Facsimile: (415) 276-6599
 Email: thomasburke@dwt.com

5 Attorneys for Third Party Defendant DISCOVERY COMMUNICATIONS, LLC

6
 7
 8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 10 **OAKLAND DIVISION**

11 ZANE PUBLISHING, INC.,)
 12 A Texas Corporation,) Case No.: CV-09-04115 SBA
)
 13 Plaintiff,)

14 v.)

15 J.C. RESEARCH, INC., d/b/a FOGWARE) **JOINT STUPILATED REQUEST FOR**
 PUBLISHING, a California Corporation and) **ORDER CHANGING TIME AND**
 16 INNOVATIVE KNOWLEDGE, INC., a) **ORDER**
 California Corporation,)
 17 Defendants.)

18 J.C. RESEARCH, INC., d/b/a FOGWARE)
 PUBLISHING, a California Corporation and)
 19 INNOVATIVE KNOWLEDGE, INC., a)
 California Corporation,)
 20 Third Party Plaintiffs,)

22 v.)

23 DISCOVERY COMMUNICATIONS, LLC,)
 A Delaware limited liability company,)
 24 Third Party Defendant.)

26 WHEREAS, Zane Publishing, Inc. (“Plaintiff”) filed a complaint in the above-captioned matter
 27 against J.C. Research, Inc. d/b/a/ Fogware Publishing and Innovative Knowledge, Inc. (collectively
 28 “Defendants/Third Party Plaintiffs”) on September 4, 2009;

1 WHEREAS, on September 4, 2009, the Court entered its Order Setting Initial Case Management
2 Conference and ADR deadlines and set the Conference in this case for December 10, 2009;

3 WHEREAS, on September 10, 2009, the Court Clerk issued a notice changing the time for the
4 Conference and notifying the parties that the Conference would take place by telephone;

5 WHEREAS, on October 2, 2009, Plaintiff and Defendants/Third Party Plaintiffs stipulated that
6 the time for Defendants/Third Party Plaintiffs to respond to Plaintiff's complaint was thereby extended
7 thirty (30) days to and including November 2, 2009;

8 WHEREAS, Defendants/Third Party Plaintiffs filed their answer and a third party complaint
9 against Discovery Communications, LLC and Roes 1-10 ("Third Party Defendant") on November 2,
10 2009;

11 WHEREAS, on November 16, 2009, Plaintiff and Third Party Plaintiffs filed a joint stipulation
12 to continue the Initial Case Management Conference and ADR deadline to a time ordered by the Court;

13 WHEREAS, pursuant to an order entered by this Court on December 9, 2009, the Case
14 Management Conference initially scheduled for December 10, 2009, was continued to February 3, 2010,
15 at 3:15 p.m.;

16 WHEREAS, pursuant to a stipulation filed in this Court on December 22, 2009, Plaintiff,
17 Defendants/Third Party Plaintiffs and Third Party Defendant agreed that the time for Third Party
18 Defendant to answer or otherwise respond to the third party complaint was extended to and including
19 February 10, 2010;

20 WHEREAS, pursuant to an order entered by this Court on December 28, 2009, the Case
21 Management Conference initially scheduled for December 10, 2009 and rescheduled to February 3,
22 2010, at 3:15 p.m. was continued to March 3, 2010, at 2:45 p.m.;

23 WHEREAS, pursuant to a stipulation filed in this Court on February 3, 2010, Plaintiff,
24 Defendants/Third Party Plaintiffs and Third Party Defendant agreed that the time for Third Party
25
26
27
28

1 Defendant to answer or otherwise respond to the third party complaint was extended to and including
2 March 12, 2010;

3 WHEREAS, pursuant to an order entered by this Court on February 16, 2010, the Case
4 Management Conference initially scheduled for December 10, 2009, and rescheduled to February 3,
5 2010, at 3:15 p.m. and then March 3, 2010, at 2:45 p.m. was rescheduled for April 14, 2010;

6
7 WHEREAS, Plaintiff, Defendants/Third Party Plaintiffs and Third Party Defendant are currently
8 and actively discussing settlement and an extension of time would allow the parties to continue such
9 settlement discussions and would not further alter the schedule of this case;

10
11 The parties, through their respective counsel and pursuant to Civil L.R. 6-2, HEREBY MAKE
12 THIS STIPULATED REQUEST THAT

13 1. The time for Third Party Defendant's response to Defendants/Third Party Plaintiffs' third
14 party complaint be extended fourteen (14) days to and including March 26, 2010; and

15 2. The Case Management Conference scheduled April 14, 2010, at 2:45 p.m. be continued
16 to April 28, 2010, or to any other date convenient for this Court.

17 Respectfully submitted this 9th day of March, 2010.

18 Dated: March 9, 2010

DAVIS WRIGHT TREMAINE, LLP

19 By: /s/ Thomas R. Burke
Thomas R. Burke

20 Attorneys for Third Party Defendant Discovery
21 Communications, LLC

22 Dated: March 9, 2010

VICTORIA L.H. BOOKE

23 By: /s/ Victoria L.H. Booke
Victoria L.H. Booke

24 Fahmy & Booke
25 606 North First St.
San Jose, CA 95112
26 408-286-7000
Fax: 408-286-7111

27 Attorneys for Defendants/Third Party Plaintiffs
28 J.C. Research, Inc. d/b/a/ Fogware Publishing
and Innovative Knowledge, Inc.

1
2 Dated: March 9, 2010

BROOKS KUSHMAN P.C.
By: /s/ Mark Brian Mizrahi

3 Mark Brian Mizrahi
4 Brooks Kushman P.C.
5 6701 Center Drive
6 Suite 610
7 Los Angeles, CA 90045
8 310-348-8200
9 Fax: 310-846-4799

10 Attorneys for Plaintiff Zane Research, Inc.

11 **ORDER**

12 PURSUANT TO THE PARTIES' STIPULATION,

13 IT IS HEREBY ORDERED THAT:

14 1. The time for Third Party Defendant's response to Defendants/Third Party Plaintiffs' third
15 party complaint be extended fourteen (14) days to and including March 26, 2010; and

16 2. The Case Management Conference currently scheduled for April 14, 2010 shall be
17 CONTINUED to **April 29, 2010, at 3:30 p.m.** The parties shall meet and confer prior to the conference
18 and shall prepare a joint Case Management Conference Statement which shall be filed no later than ten
19 (10) days prior to the Case Management Conference that complies with the Standing Order For All
20 Judges Of The Northern District Of California and the Standing Order of this Court. Plaintiff shall be
21 responsible for filing the statement as well as for arranging the conference call. All parties shall be on
22 the line and shall call (510) 637-3559 at the above indicated date and time.

23 IT IS SO ORDERED.

24 Dated: 3/15/10

25 
26 Hon. Sandra B. Armstrong