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14 Attorneys for Plaintiff
 15 Sleep Science Partners, Inc.

16
 17 **UNITED STATES DISTRICT COURT**
 18
 19 **NORTHERN DISTRICT OF CALIFORNIA**
 20
 21 **OAKLAND DIVISION**

22 SLEEP SCIENCE PARTNERS, INC., a
 23 California corporation,
 24
 25 Plaintiff,

26 vs.

27 AVERY LIEBERMAN, an individual,
 28 KATRINA WEBSTER, an individual,
 DANIEL WEBSTER, an individual,
 SLEEPING WELL, LLC, a Vermont limited
 liability corporation, and DOES 1-10,
 Defendants.

Case No. CV09-4200CW
 Honorable Claudia Wilken

**STIPULATED ORDER AMENDING CASE
 MANAGEMENT ORDER**

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1 Plaintiff SLEEP SCIENCE PARTNERS, INC. (“Plaintiff”) and Defendants Katrina
2 Webster, Daniel Webster and Sleeping Well, LLC (“Defendants”) (collectively the “parties”)¹,
3 by and through their respective counsel, agree to the following terms of this Order.
4

5 WHEREAS, the Court entered a Case Management Order on or about December 31,
6 2009, requiring the completion of fact discovery on 7/30/10 and expert discovery on 11/01/10,
7 and setting a hearing date of 12/23/10 for dispositive motions at which time a Further Case
8 Management Conference also would be held, and setting forth a six-day trial beginning on
9 3/28/11;
10

11 WHEREAS, the Court extended the fact discovery deadline to November 1, 2010 in the
12 Order denying Defendants’ Motion to Stay dated May 28, 2010;

13 WHEREAS, the parties agreed to extend other deadlines in the Case Management Order
14 on or about August 30, 2010 by filing a Stipulated Amended Case Management Order;
15

16 WHEREAS, the Court adopted the parties’ stipulation including the extension of expert
17 discovery through February 15, 2010, but did not adopt the Motion, Pretrial and Trial dates
18 proposed by the Parties because the trial date selected by the parties was unavailable;

19 WHEREAS, the Parties are continuing to complete discovery per the previously entered
20 schedules;
21

22 WHEREAS, the parties anticipate a trial longer than six days as currently postured but
23 seek to file cross-motions for summary judgment upon the completion of discovery; and

24 WHEREAS, the parties conferred on mutually acceptable dates to establish Motion,
25 Pretrial and Trial deadlines that comport with the Court’s availability.
26

27
28 ¹ Claims against Dr. Avery Lieberman were dismissed by agreement among the parties.

1 THEREFORE, Plaintiff and Defendants stipulate as follows:

- 2 1. All case dispositive motions to be heard at 2:00 p.m. on or before July 28, 2011;
- 3 2. Final Pretrial Conference at 2:00 p.m. on January 17, 2012;
- 4 3. A 10-day jury trial will begin at 8:30 a.m. on February 6, 2012.
- 5
- 6

7 **PURSUANT TO STIPULATION, IT IS SO ORDERED: except that the trial will begin**
8 **Feb 13, and is scheduled for 6 days, absent a stipulation showing good cause for the change.**

9 Dated: 1/ 24/2011 _____

10 By  _____
11 CLAUDIA WILKEN
12 United States District Judge

13 Respectfully submitted,

14

15 Dated: January 20, 2011

THE FLICK GROUP

16 By: /S/ Heather Flick
17 Heather Flick, Attorneys for Plaintiff

18

19 Dated: January 20, 2011

PRIMMER PIPER EGGLESTON & CRAMER

20 By: /S/ Gary Franklin
21 Gary Franklin, Attorneys for Defendants