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14 Attorneys for Plaintiff
 15 Sleep Science Partners, Inc.

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

19 SLEEP SCIENCE PARTNERS, INC., a
 20 California corporation,

21 Plaintiff,

22 vs.

23 AVERY LIEBERMAN, an individual,
 24 KATRINA WEBSTER, an individual,
 25 DANIEL WEBSTER, an individual,
 26 SLEEPING WELL, LLC, a Vermont limited
 27 liability corporation, and DOES 1-10,

28 Defendants.

Case No. CV09-4200CW

Honorable Claudia Wilken

**STIPULATED ORDER AMENDING CASE
 MANAGEMENT ORDER DATED
 DECEMBER 31, 2009**

Plaintiff SLEEP SCIENCE PARTNERS, INC. (“Plaintiff”) and Defendants Avery
 Lieberman, Katrina Webster, Daniel Webster and Sleeping Well, LLC (“Defendants”)

1 (collectively the “parties”), by and through their respective counsel, have agreed to the terms of
2 this Order.

3 WHEREAS, the Court entered a Case Management Order on or about December 31,
4 2009;

5
6 WHEREAS, the Court extended the original fact discovery deadline from July 30, 2010
7 to November 1, 2010 in the Order denying Defendants’ Motion to Stay dated May 28, 2010;

8 WHEREAS, certain deadlines in the Case Management Order likewise need to be
9 extended;

10
11 WHEREAS, the parties wish to mediate this dispute and require a Court order referring
12 this matter to the ADR program office for mediation;

13 WHEREAS, the parties anticipate conducting the mediation in the week of November 1,
14 2010 and in any event, will need time to schedule and complete mediation once the order
15 referring this matter to the ADR program office for mediation is issued;

16
17 WHEREAS, Plaintiff has disclosed Dr. Glenn Clark as a witness and Dr. Clark is on
18 sabbatical in Japan and will need to be deposed after the fact discovery cut-off;

19 THEREFORE, Plaintiffs and Defendants stipulate as follows:

- 20 1. This matter is hereby referred to the ADR program office for mediation;
- 21 2. The Parties shall have up to and including November 15, 2010 to complete mediation;
- 22 3. The expert disclosure deadline is extended to December 15, 2010;
- 23 4. The expert discovery cut-off is extended to February 15, 2010;
- 24 5. The deposition of Dr. Glenn Clark to be taken on or before February 15, 2010 by
25 agreement;
- 26 6. All case dispositive motions to be heard at 2:00 pm on or before March 24, 2010;
- 27
28

1 7. Final Pretrial Conference on at 2:00 pm on May 2, 2011;

2 8. A 6 day jury trial will begin at 8:30 a.m. on May 16, 2011.

3 **IT IS SO ORDERED: except that May 16 trial date is not available so motion cut-off,**
4 **pretrial, and trial dates are unchanged.**

5 **Dated:** 9/7/2010

6 **By:** 
7 **CLAUDIA WILKEN**
8 **United States District Judge**

9 Respectfully submitted,

10 **Dated:** August 30, 2010

THE FLICK GROUP

11 **By:** /S/ Heather Flick
12 **Heather Flick, Attorneys for Plaintiff**

13
14 **Dated:** August 30, 2010

PRIMMER PIPER EGGLESTON & CRAMER

15 **By:** /S/ Gary Franklin
16 **Gary Franklin, Attorneys for Defendants**