

1 ADAM A. LEWIS (CA SBN 88736)  
 (alewis@mofo.com)  
 2 GRANT L. KIM (Cal. Bar No. 114989)  
 (gkim@mofo.com)  
 3 ALISON M. TUCHER (Cal. Bar No. 171363)  
 (atucher@mofo.com)  
 4 BARBARA N. BARATH (Cal. Bar No. 268146)  
 (bbarath@mofo.com)  
 5 MORRISON & FOERSTER LLP  
 425 Market Street  
 6 San Francisco, California 94105-2482  
 Telephone: (415) 268-7000  
 7 Facsimile: (415) 268-7522

8 Attorneys for Petitioners  
 HYOSUNG (AMERICA), INC. and  
 9 NAUTILUS HYOSUNG INC.

10  
 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 OAKLAND DIVISION

15 HYOSUNG (AMERICA), INC. and  
 NAUTILUS HYOSUNG INC.

16  
 17 Petitioners,

18 v.

19 HANTLE USA, INC.,

20 Defendant.

Case No. CV-10-2160- SBA

**STIPULATION AND ORDER  
 REGARDING ADR PROCEDURE**

Judge: Hon. Sandra B. Armstrong

22  
 23 The Court previously approved a one-month extension of time for the parties to submit  
 24 either a “Stipulation and (Proposed) Order Selecting ADR Process” or a “Notice of Need for  
 25 ADR Phone Conference.” (Doc. No. 36.) The reason for the stipulated extension was that  
 26 Plaintiffs intend to move to amend their complaint to add several new defendants, including  
 27 Genmega, Inc. and two individuals. The parties agreed that in view of the possible addition of  
 28

1 new parties, it was premature to select an ADR process until after a decision is made on whether  
2 those new parties will be added.

3 After the previous extension was granted, the Court issued an order requesting further  
4 briefing related to Defendant Hantle USA, Inc.'s pending motion to dismiss and postponed the  
5 hearing on that motion and the concurrent Case Management Conference from February 1, 2011  
6 to March 1, 2011. In view of that postponement and Defendant's statement that it will not oppose  
7 filing of the Second Amended Complaint in the form provided by Plaintiffs if the motion to  
8 dismiss is denied (subject to resolution of an outstanding privilege issue), Plaintiffs have not yet  
9 sought leave to amend their complaint and the conditions that made it premature for the parties to  
10 select an ADR process one month ago thus remain in place. Accordingly, the parties jointly  
11 request a further one-month extension of time to submit either a "Stipulation and (Proposed)  
12 Order Selecting ADR Process" or a "Notice of Need for ADR Phone Conference."

13 In addition to stipulating to the above, I, Grant L. Kim, attest that concurrence in the filing  
14 of this Stipulation has been obtained from Matthew Poppe, Counsel for Defendant Hantle USA.

15 Dated: February 11, 2011

16 ADAM A. LEWIS  
17 GRANT L. KIM  
18 ALISON M. TUCHER  
19 BARBARA N. BARATH  
20 MORRISON & FOERSTER LLP

21 By:  /s/ Grant L. Kim /s/  
22 Grant L. Kim

23 Attorneys for Plaintiff(s)  
24 HYOSUNG (AMERICA), INC.  
25 NAUTILUS HYOSUNG, INC.  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: February 11, 2011

ROBERT E. FREITAS  
MATTHEW H. POPPE  
KRISTIN S. CORNUELLE  
JACOB A. SNOW  
ORRICK, HERRINGTON & SUTCLIFFE  
LLP

By: /s/ Matthew H. Poppe /s/ [as authorized]  
Matthew H. Poppe

Attorneys for Defendant  
HANTLE USA, INC.

**Order**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 2/18/11

By: *Audrey B. Armstrong*