

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 Plaintiffs
 HYOSUNG (AMERICA), INC. and
 9 NAUTILUS HYOSUNG INC.

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

14 HYOSUNG (AMERICA), INC. and
 NAUTILUS HYOSUNG INC.
 15
 16 Plaintiffs,
 17 v.
 18 HANTLE USA, INC.,
 19 Defendant.

Case No. CV-10-2160- SBA

**STIPULATION AND ORDER FOR
 THE FILING OF SECOND
 AMENDED COMPLAINT**

Judge: Hon. Sandra B. Armstrong

20 WHEREAS, by Order of March 4, 2011 (Doc. No. 47), the Court directed that the parties
 21 meet and confer in an effort to reach an agreement concerning the filing of Plaintiffs' proposed
 22 Second Amended Complaint and file, by March 14, 2011, either a stipulation and proposed order
 23 for the filing of a Second Amended Complaint, or alternatively, a motion for leave to file a
 24 Second Amended Complaint in the event the parties are unable to enter into such a stipulation;

25 WHEREAS, on March 11, 2011, the parties submitted a stipulated request to extend this
 26 deadline until March 21, 2011 (Doc. No. 49);

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1 WHEREAS, Plaintiffs previously provided Defendant with a proposed Second Amended
2 Complaint, which adds several new defendants, including Genmega, Inc. and two individuals;

3 WHEREAS, Defendant previously stated that it would not oppose filing of the Second
4 Amended Complaint in the form previously provided to it by Plaintiffs if the motion to dismiss
5 was denied, subject to resolution of certain privilege issues raised by Defendant;

6 WHEREAS, Defendant provided Plaintiffs on March 10, 2011, with a privilege log listing
7 documents that were previously produced to the Trustee in the bankruptcy case filed by Tranax
8 Technologies, Inc., which Defendant contends are subject to a privilege claim;

9 WHEREAS, Plaintiffs have represented that the Second Amended Complaint does not
10 rely on or refer to any of the documents listed in Defendant's privilege log;

11 WHEREAS, in view of Plaintiffs' representation, Defendant does not oppose the filing of
12 the Second Amended Complaint in the form attached hereto as Exhibit A, but reserves all rights
13 to challenge the sufficiency of the pleadings and the merits of the claims, and all other rights;

14 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the
15 parties, pursuant to Local Rule 7-12 and subject to the Court's approval, that Plaintiff may file the
16 Second Amended Complaint in the form attached hereto as Exhibit A.

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

19
20 Dated: March 15, 2011

ADAM A. LEWIS
GRANT L. KIM
ALISON M. TUCHER
BARBARA N. BARATH
MORRISON & FOERSTER LLP

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23 By: /s/ Grant L. Kim /s/
Grant L. Kim

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25 Attorneys for Plaintiffs
HYOSUNG (AMERICA), INC.
NAUTILUS HYOSUNG, INC.
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Dated: March 15, 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, INC. [formerly Hantle USA,
Inc.]

Order

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 3/17/11

By: *Sandra B. Armstrong*
U.S. District Court Judge