



1           **IT IS HEREBY STIPULATED** by and between plaintiff Alexx, Inc. (“Plaintiff”) and  
2 defendant Triple C Designs, Inc. (“Defendant”), by and through their counsel of record as  
3 follows:

4           **WHEREAS** the initial Case Management Conference (CMC) is currently scheduled for  
5 Tuesday, December 7, 2010, at 2:00 p.m. in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland,  
6 CA 94612;

7           **WHEREAS** the parties have met and conferred and agreed to request an Early  
8 Settlement Conference with a Magistrate Judge;

9           **WHEREAS**, pursuant to their agreement and ADR Local Rule 3-5, the parties filed a  
10 Notice of Need for ADR Phone Conference on Monday, November 22, 2010;

11           **WHEREAS** the parties believe that court sponsored alternative dispute resolution may  
12 materially advance settlement negotiations and, therefore, wish to postpone the initial CMC to  
13 after such court sponsored alternative dispute resolution has been completed;

14           **WHEREAS** the Defendant believes that an Early Settlement Conference is the most  
15 suitable process for alternative dispute resolution;

16           **WHEREAS** the Plaintiff believes that an Early Settlement Conference, court sponsored  
17 mediation, or court sponsored early neutral evaluation would be a suitable process for alternative  
18 dispute resolution;

19           **WHEREAS** the parties have not requested any previous time modifications, except on  
20 October 8, 2010, the parties stipulated to extend time for Defendant to answer or otherwise  
21 respond to Alexx’s Complaint to November 11, 2010; and

22           **NOW, THEREFORE**, pursuant to Local Rule 6-1, the undersigned parties hereby  
23 stipulate to postpone the initial CMC to Tuesday, February 22, 2011, at 2:00 p.m. in Courtroom  
24 2, 4th Floor, 1301 Clay Street, Oakland, CA 94612, or such other date as the Court may order.

25           **SO STIPULATED.**

26 Dated: November 22, 2010

Foley & Lardner LLP

27 By:           /s/ Gina A. Bibby          

Gina A. Bibby  
Attorneys for Defendant  
Triple C Designs, Inc.

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Dated: November 22, 2010

Jones Day

By:           /s/ Brett A. Lovejoy            
Brett A. Lovejoy  
Attorneys for Plaintiff  
Alexx Inc.


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**ORDER POSTPONING INITIAL CMC**

Based on the foregoing stipulation of the parties, the Court hereby continues the initial case management conference to Tuesday, February 22, 2011, at 2:00 p.m. or \_\_\_\_\_

**IT IS SO ORDERED.**

Dated: 11/23/2010

  
\_\_\_\_\_  
The Honorable Claudia Wilken  
United States District Court Judge

