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 8 MARIN MOUNTAIN BIKES,  
 INC.

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

12 DIAMOND STATE INSURANCE  
 13 COMPANY, an Indiana corporation,

14 Plaintiff,

15 v.

16 MARIN MOUNTAIN BIKES, INC., a  
 California corporation; and ATB SALES  
 17 LIMITED, a private limited liability  
 company in the United Kingdom,

18 Defendants.  
 19

CASE NO. 4:11-CV-05193-CW

**STIPULATION AND ORDER TO EXTEND  
 TIME FOR DEFENDANT MARIN  
 MOUNTAIN BIKES TO FILE  
 OPPOSITION TO PLAINTIFF DIAMOND  
 STATE INSURANCE COMPANY'S  
 MOTION FOR SUMMARY JUDGMENT,  
 OR ALTERNATIVELY, REQUEST FOR  
 DISMISSAL.**

Date: February 14, 2013  
 Time: 2:00 p.m.  
 Courtroom: 2 (4th Floor)  
 Judge: Hon. Claudia Wilken

28

1 Pursuant to Local Rules 6-2(a) and 7-12, Plaintiff Diamond State Insurance Company  
2 ("Diamond") and Defendant Marin Mountain Bikes, Inc. ("Marin") hereby stipulate and request  
3 that the Court order the extension of the deadline (by one week ) for the filing an opposition by  
4 Marin to Diamond's Motion for Summary Judgment, or Alternatively, Request for Dismissal  
5 ("Motion") from January 24, 2013 to January 31, 2013, and correspondingly, extend Diamond's  
6 deadline to file a reply, from January 31, 2013 to February 7, 2013. Marin will not file a cross-  
7 motion for summary judgment, and the Motion's February 14, 2013 hearing date does not need to  
8 be extended to March 7, 2013, per the Court's January 14, 2013 Order Regarding Diamond's  
9 Motion for Summary Judgment.

10 This is the first request for an extension of time regarding the briefing schedule for this  
11 Motion.

12  
13 **IT IS SO STIPULATED,**

14 Dated: January , 2013

DONAHUE GALLAGHER WOODS LLP

15  
16 By: \_\_\_\_\_  
17 Casey L. Williams  
18 Attorneys for Defendant  
MARIN MOUNTAIN BIKES, INC.

19 Dated: January , 2013

NIELSEN HALEY & ABBOTT, LLP

20  
21 By: \_\_\_\_\_  
22 Jennifer S. Cohn  
23 Attorneys for Plaintiff  
DIAMOND STATE INSURANCE COMPANY



1 January 31, 2013, Diamond's reply will be due on February 7, 2013.

2 12. On January 14, 2013, this Court issued an order regarding Diamond's Motion for  
3 Summary Judgment and the affect that a cross-motion for summary judgment brought by Marin  
4 would have on the hearing scheduled for February 14, 2013.

5 13. I am informed and believe that Marin will not file a cross-motion for summary  
6 judgment and, therefore, the Motion hearing does not need to be continued to Wednesday, March  
7 7, 2013 per the Court's January 14, 2013 Order.

8 I declare under penalty of perjury under the laws of the State of California that the  
9 foregoing is true and correct.

10  
11 Dated: January 23, 2013

DONAHUE GALLAGHER WOODS LLP

12  
13 By: \_\_\_\_\_  
14 Casey L. Williams  
15 Attorneys for Plaintiff  
16 MARIN MOUNTAIN BIKES, INC.

17 PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED. **THE MOTION FOR**  
18 **SUMMARY JUDGMENT AND A FURTHER CASE MANAGEMENT CONFERENCE**  
19 **WILL BE HELD ON MARCH 7, 2013, AT 2:00 P.M. A CASE MANGEMENT**  
20 **STATEMENT IS DUE FEBRUARY 28, 2013.**

21  
22 Dated: 1/23/2013

23  
24 By:  \_\_\_\_\_  
25 Hon. Claudia Wilken  
26 United States District Court Judge  
27  
28

1 **PROOF OF SERVICE**

2 I declare that I am employed in the County of Alameda, State of California. I am over the  
3 age of eighteen years at the time of service and not a party to the within cause. My employment  
address is 1999 Harrison Street, 25th Floor, Oakland, California 94612-3520.

4 On January 23, 2013, I served copies of the attached document(s) entitled:

- 5 • **STIPULATION AND ORDER TO EXTEND TIME**
- 6 **FOR DEFENDANT MARIN MOUNTAIN BIKES TO**
- 7 **FILE OPPOSITION TO PLAINTIFF DIAMOND**
- 8 **STATE INSURANCE COMPANY'S MOTION FOR**
- SUMMARY JUDGMENT, OR ALTERNATIVELY,**
- REQUEST FOR DISMISSAL.**

9 on the interested parties in this action, by placing a true and correct copy thereof enclosed in a  
sealed envelope, addressed as follows:

10 Jennifer S. Cohn, Esq.  
11 [jcohn@nielsenhaley.com](mailto:jcohn@nielsenhaley.com)  
12 Nielsen Haley & Abbot LLP  
44 Montgomery Street, Suite 750  
13 San Francisco, California 94104

14  **BY U.S. MAIL AND ELECTRONIC MAIL.** I placed such envelope, addressed  
15 as above by first-class mail, postage prepaid, for collection and mailing at my  
16 business address following our ordinary business practices. I am readily familiar  
with our ordinary business course of collection and processing of correspondence  
17 for mailing with the U.S. Postal Service. In the ordinary course of business on the  
same day that correspondence is placed for collection and mailing, it is deposited  
18 with the U.S. Postal Service for delivery to the addressee.

19  **BY FEDERAL EXPRESS.** I deposited such envelope in a Federal Express  
depository at Oakland, California.

20  **BY PERSONAL SERVICE.** I delivered such envelope by hand to the offices of  
the addressee(s).

21  **BY FACSIMILE SERVICE.** I transmitted such document(s) via facsimile to the  
offices of the addressee(s).

22  **STATE.** I declare under penalty of perjury under the laws of the State of  
California that the above is true and correct.

23  **FEDERAL.** I declare that I am employed in the office of a member of the bar of  
24 this Court at whose direction the service was made.

25 Executed on January 21, 2012, at Oakland, California.

26  
27 \_\_\_\_\_  
Pam Trepel

28 Name of Case: *Diamond State Insurance Company v. Marin Mountain Bikes, et al.*

Name of Court and Case Number: *U.S. District Court, Northern District of California, Case No. 4:11-cv-05193*