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6 Attorneys for Defendant  
 AXIS DIAGNOSTICS, INC.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 OAKLAND DIVISION

12 BIOGENEX LABORATORIES,  
 13 Plaintiff,  
 14 vs.  
 15 AXIS DIAGNOSTICS, INC.,  
 16 Defendant.

Case No. C-12-6313 DMR

**JOINT STIPULATION AND ~~PROPOSED~~  
 ORDER CONTINUING HEARING ON  
 MOTION TO SET ASIDE DEFAULT AND  
 INITIAL CASE MANAGEMENT  
 CONFERENCE**

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1 Pursuant to Civil Local Rules 6-1(b) and 6-2, Plaintiff BioGenex Laboratories  
2 (“Plaintiff”) and Defendant Axis Diagnostics, Inc. (“Defendant”) hereby stipulate and request an  
3 order to (1) continue the hearing date for Defendant’s Motion to Set Aside Default, currently set  
4 for June 13, 2013, to June 27, 2013, and (2) continue the Initial Case Management Conference  
5 until six weeks after the Court’s ruling on Defendant’s Motion to Set Aside Default.

6 Plaintiff requests the continuance of the hearing date for Defendant’s Motion to Set Aside  
7 Default to June 27, 2013, because Plaintiff’s counsel learned on May 21, 2013, of an irresolvable  
8 scheduling conflict on the morning of June 13, 2013. Defendant has no objection to continuing  
9 the hearing date on its Motion to Set Aside Default to June 27, 2013.

10 Further, the parties request a continuance of the Initial Case Management Conference,  
11 currently also set for June 13, 2013, to avoid incurring the costs and fees related to the meet and  
12 confer process, preparation of initial disclosures, and preparation of a Rule 26(f) Report before  
13 the Court has determined whether Defendant’s default will be set aside and Defendant will be  
14 allowed to appear and litigate in this matter. The parties seek reasonable time to prepare their  
15 disclosures and reports after the Court’s ruling on Defendant’s Motion to Set Aside Default, in  
16 the event that Defendant is allowed to appear and litigate its defenses and counterclaims in this  
17 action. The parties ask that the Court continue the Initial Case Management Conference to six  
18 weeks after the Court’s ruling on Defendant’s Motion to Set Aside Default.

19 The parties have not previously requested any time modifications in this case.

20 Accordingly, the parties respectfully request that (1) the Court continue the hearing date  
21 for Defendant’s Motion to Set Aside Default to June 27, 2013, and (2) the Court continue the  
22 Initial Case Management Conference until the next hearing date available six weeks after the  
23 Court’s ruling on Defendant’s Motion to Set Aside Default. The parties intend and respectfully  
24 request that all deadlines triggered by the Initial Case Management Conference—including the  
25 deadlines to meet and confer, provide initial disclosures, file an ADR Certification, and provide a  
26 Rule 26(f) Report—will be triggered by whatever new date the Court sets for the Initial Case  
27 Management Conference.

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Dated: May 22, 2013

FARELLA BRAUN + MARTEL LLP

By:           /s/ Benjamin C. Geiger            
Benjamin C. Geiger

Attorneys for Defendant  
AXIS DIAGNOSTICS, INC.

Dated: May 22, 2013

AKAY LAW

By:           /s/ Douglas N. Akay            
Douglas N. Akay

Attorneys for Plaintiff  
BIOGENEX LABORATORIES

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED:       May 28, 2013      

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Hon. Donna M. Ryu