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21 *Attorneys for Plaintiff TOP AGENT NETWORK, INC.*

22 **UNITED STATES DISTRICT COURT**
 23 **NORTHERN DISTRICT OF CALIFORNIA**

24 TOP AGENT NETWORK, INC.,
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 26 Plaintiff,
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 28 vs.
 29
 30 ZILLOW, INC.
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 32 Defendant.

Case No. 4:14-cv-04769-KAW
STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME FOR
ZILLOW'S RESPONSE TO
COMPLAINT AND TAN'S RESPONSE
TO SAME

1 Plaintiff Top Agent Network, Inc. (“TAN”) and Defendant Zillow, Inc. (“Zillow”) have
2 met and conferred, reached agreement, and hereby stipulate as follows:

3 **STIPULATION**

4 WHEREAS, plaintiff filed the instant action on October 27, 2014; and

5 WHEREAS, the complaint and summons were served on Zillow’s agent for service of
6 process, by personal service, on October 29, 2014; and

7 WHEREAS, Zillow’s response to the complaint is currently due on or before November
8 19, 2014; and

9 WHEREAS, defense counsel has upcoming trials and other scheduling commitments and
10 requires an extension to have sufficient time to address the matters at issue; and

11 WHEREAS, there have been no previous time modifications in the case; and

12 WHEREAS, the time modification would have no major effect on the as yet to be
13 determined case schedule and would allow the parties sufficient time to address the matters at
14 issue in light of counsels’ other scheduling commitments;

15 IT IS HEREBY STIPULATED by and between TAN and Zillow, through their respective
16 counsel of record, that Zillow’s deadline to file a response to the complaint is extended by 30
17 days from November 19, 2014, to December 19, 2014.

18 IT IS FURTHER STIPULATED that (1) in the event that Zillow’s responsive pleading
19 requires a response by TAN, TAN’s deadline to respond is extended from 21 days to 30 days; and
20 (2) in the event that Zillow files a motion in response to TAN’s complaint, TAN may have 30
21 days to file any opposition to Zillow’s motion as opposed to the 14 days provided by Civil Local
22 Rule 7-3(a). These extensions will allow TAN to have a full and fair opportunity to respond,
23 particularly in light of the upcoming Christmas and New Year holidays. In the event that Zillow
24 does file a motion, the parties further agree to meet and confer regarding the hearing date for any
25 motion, so as to allow the Court sufficient time to consider the motion in light of the extension.

1 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

2
3 Dated: November 14, 2014

Respectfully submitted,

4 SUSMAN GODFREY LLP

LEWIS & LLEWELLYN LLP

5 By: /s/ Oleg Elkhunovich
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**DECLARATION OF OLEG ELKHUNOVICH, ESQ. IN SUPPORT OF STIPULATION
EXTENDING TIME FOR ZILLOW’S RESPONSE TO COMPLAINT AND TAN’S
RESPONSE TO SAME**

I, Oleg Elkhunovich, Esq., hereby declare as follows:

1. I am member of the California State Bar, an attorney in the law firm of Susman Godfrey LLP, and counsel for Defendants in the above-captioned appeal. I submit this declaration in support of the stipulation and [proposed] order extending time for Zillow’s response to complaint and TAN’s response to same.

2. On October 27, 2014, plaintiff filed the instant action.

3. The defendant, my client, was served on October 29, 2014.

4. Zillow’s response to the complaint is currently due on or before November 19, 2014.

5. Defense counsel in this case currently has trials scheduled for both early December 2014 and January 2015.

6. In light of these trials, defense counsel requires an extension to have sufficient time to address the matters at issue in the complaint.

7. There have been no previous time modifications in the case.

8. The time modification would have no major effect on the as yet to be determined case schedule and would allow the parties sufficient time to address the matters at issue in light of counsels’ other scheduling commitments.

9. Counsel for the Plaintiff has agreed to the extension.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 14, 2014.

By: /s/ Oleg Elkhunovich
Oleg Elkhunovich

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[PROPOSED] ORDER

PURSUANT TO STIPULATION, **IT IS SO ORDERED.**

Dated: 11/17/14

By: *Kandis Westmore*
Hon. Kandis A. Westmore
UNITED STATES MAGISTRATE JUDGE