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Attorneys for Defendant
 6 VISA INTERNATIONAL SERVICE ASSOCIATION
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9 UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION

12 PERFECT 10, INC., a California corporation,

13 Plaintiff,

14 v.

15 VISA INTERNATIONAL SERVICE
 ASSOCIATION; FIRST DATA CORP, a
 16 corporation; CARDSERVICE
 INTERNATIONAL, INC., a corporation;
 17 MASTERCARD INTERNATIONAL
 INCORPORATED, a corporation;
 18 HUMBOLDT BANK, a national banking
 association; and DOES 1 through 100,
 19 inclusive,

20 Defendant.
 21

Case No. CV 04 00371 JW (PVT)

**STIPULATION AND [PROPOSED]
 ORDER CONTINUING INITIAL CASE
 MANAGEMENT CONFERENCE**

The Hon. James Ware
 Courtroom 8, 4th Floor

22 The parties to this action through their counsel of record respectfully submit the following
 23 stipulation for entry of an order continuing the Initial Case Management Conference, initially noticed
 24 by the Court to take place on Monday, June 7, 2004, to a date in July, 2004, preferably Monday, July
 25 12, 2004 or Monday, July 19, 2004.

26 WHEREAS, this Court on March 9, 2004, issued its Case Management Conference Notice
 27 setting Monday, June 7, 2004, as the Initial Case Management Conference in the case;

28 WHEREAS, all defendants have filed a consolidated motion to dismiss all claims contained in

1 plaintiff's Complaint, which motion is not scheduled to be heard by the Court until Monday, June 14,
2 2004; and

3 WHEREAS, the parties believe that the interests of justice and convenience of the parties and
4 Court would best be served by continuing the Initial Case Management Conference until a date
5 approximately one month after the scheduled hearing on Defendants' Motion to Dismiss;

6 NOW THEREFORE, for good cause and pursuant to Local Rules 7-10(b), 7-11, plaintiff and
7 defendants hereby stipulate, through their attorneys of record, as follows:

8 1. That the Initial Case Management Conference set in this case be continued from June
9 7, 2004 to Monday, July 12, 2004.

10 2. That if the Court is unable to conduct the Case Management Conference on Monday,
11 July 12, 2004, that the Court set the Initial Case Management Conference for Monday,
12 July 19, 2004, or as soon thereafter as is convenient for the Court.

13 IT IS SO AGREED.

14 DATED: May 11, 2004

Respectfully submitted,

TOWNSEND AND TOWNSEND AND CREW LLP

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17 By: _____
DANIEL J. FURNISS
MARK T. JANSEN
JOHN C. BAUM

18
19 Attorneys for Defendant
VISA INTERNATIONAL SERVICE ASSOCIATION

20
21
22 DATED: May 11, 2004

KING, HOLMES, PATERNO & BERLINER, LLP

23 By: _____
HOWARD E. KING
STEPHEN D. ROTHSCHILD
24 Attorneys for Plaintiff PERFECT 10, Inc.
25
26
27
28

1 DATED: May 11, 2004

KEKER & VAN NEST LLP

2
3 By: _____ /s/

MICHAEL H. PAGE

Attorneys for Defendants

4 FIRST DATA CORP.

CARDSERVICE INTERNATIONAL, INC.

5 HUMBOLDT BANK

6
7 DATED: May 11, 2004

WINSTON & STRAWN LLP

8
9 By: _____ /s/

ANDREW P. BRIDGES

Attorneys for Defendant

10 MASTERCARD INTERNATIONAL

11 INCORPORATED

12 **ORDER**

13
14 Pursuant to Stipulation, it is ordered that the Initial Case Management Conference presently
15 scheduled for June 7, 2004, be conducted on Monday, July ____, 2004, at 10:00 a.m.

16
17 Dated: May ____, 2004

The Hon. Judge James Ware
United States District Judge

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19 60213060 v1

PROOF OF SERVICE

I, Linda M. Tan, declare: I am employed in the City and County of San Francisco, California in the office of a member of the bar of this court at whose direction this service was made. I am over the age of eighteen and not a party to this action. My business address is Townsend and Townsend and Crew LLP, Two Embarcadero Center, Eighth Floor, San Francisco, California, 94111.

On May 11, 2004, I served the following documents exactly entitled: **STIPULATION AND [PROPOSED] ORDER CONTINUING INITIAL CASE MANAGEMENT CONFERENCE** on the interested parties in this action by placing a true and correct copy thereof, on the above date, enclosed in a sealed envelope, following the ordinary business practice of Townsend and Townsend and Crew LLP, as follows:

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HAND-DELIVERY: I caused such document[s] to be delivered by a courier service on the same day.

FACSIMILE TRANSMISSION: I caused such document[s] to be sent by facsimile transmission to the above-listed fax number for the party(ies) indicated.

E-FILING AND/OR E-MAILING DOCUMENT

ELECTRONIC TRANSMISSION: I caused said document to be sent by electronic transmission to the e-mail address indicated for the party(ies) listed above. The transmitting terminal address is _____@townsend.com.

ONLY E-FILING DOCUMENT

ELECTRONIC TRANSMISSION: I declare that a copy of said document(s) was filed electronically on May 11, 2004. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on May 11, 2004, at San Francisco, California.

/s/
Linda M. Tan

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