

1 MANATT, PHELPS & PHILLIPS, LLP
STEPHEN M. RYAN (DC Bar No. 359099) (sryan@manatt.com)
2 700 12th Street, N.W., Suite 1100
Washington, DC 20005-4075
3 Telephone: (202) 585-6500
Facsimile: (202) 585-6600

4 MANATT, PHELPS & PHILLIPS, LLP
5 CHAD S. HUMMEL (CA Bar No. 139055) (chummel@manatt.com)
JACK S. YEH (CA Bar No. 174286) (jyeh@manatt.com)
6 11355 W. Olympic Boulevard
Los Angeles, CA 90064
7 Telephone: (310) 312-4000
Facsimile: (310) 312-4224

8 MANATT, PHELPS & PHILLIPS, LLP
9 CHRISTOPHER L. WANGER (CA Bar No. 164751) (cwanger@manatt.com)
JOHN P. KERN (CA Bar No. 206001) (jkern@manatt.com)
10 1001 Page Mill Road, Building 2
Palo Alto, CA 94304-1006
11 Telephone: (650) 812-1300
Facsimile: (650) 213-0260

12 *Attorneys for Defendant*

13 AMERICAN REGISTRY FOR INTERNET NUMBERS, LTD.

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT

16 SAN JOSE DIVISION

17 GARY KREMEN,
18
19 Plaintiff,

20 vs.

21 AMERICAN REGISTRY FOR
INTERNET NUMBERS LTD.,

22 Defendant.
23
24

Case No. C 06-2554 JW
[Related to Case No. C 98-20718 JW]

**STIPULATED REQUEST AND
~~[PROPOSED]~~ ORDER CONTINUING THE
HEARING ON (1) DEFENDANT
AMERICAN REGISTRY OF INTERNET
NUMBERS, LTD.'S MOTION TO DISMISS
PLAINTIFF'S COMPLAINT PURSUANT
TO 12(B)(6), OR, ALTERNATIVELY, FOR
A STAY; AND (2) CASE MANAGEMENT
CONFERENCE**

25 WHEREAS, Defendant American Registry of Internet Numbers, LTD's ("ARIN") Motion
26 To Dismiss Plaintiff's Complaint Pursuant to 12(b)(6), Or, Alternatively, For A Stay ("Motion to
27 Dismiss\Stay") is currently set for hearing in this Court on September 11, 2006;
28

1 WHEREAS, Plaintiff Gary Kremen ("Plaintiff") filed his Opposition to the Motion to
2 Dismiss\Stay on August 21, 2006;

3 WHEREAS, the Initial Case Management Conference is set in this matter for September
4 11, 2006 at 10:00 am, and the Joint Case Management Statement filing deadline is September 4,
5 2006.

6 WHEREAS, in the related case *Kremen v. Cohen*, Case No. C 98-20718 JW (the "*Kremen*
7 *v. Cohen Action*"), also before the Honorable James Ware, ARIN's Motion For Clarification, Or,
8 In The Alternative, For Modification Of The Order Dated September 17, 2001, Entitled "Order
9 Re: Registration Of IP Numbers (NETBLOCKS) In The Name Of Judgment Creditor ("Motion to
10 Clarify\Modify") is also currently scheduled for September 11, 2006;

11 WHEREAS, in connection with the related case *Kremen v. Cohen Action*, the parties have
12 come to an agreement regarding the production and review of information in ARIN's possession,
13 continuation of the current September 11, 2006, hearing and August 28, 2006, Reply deadline on
14 the Motion to Clarify\Modify in that action, a schedule for the filing of (and page limitations for)
15 a supplemental brief from Plaintiff and a singular Reply brief from ARIN on Plaintiff's
16 Opposition and the to-be-filed supplemental brief, and a continued hearing date regarding same in
17 the *Kremen v. Cohen Action* and are concurrently seeking a stipulated continuance re same in
18 that matter;

19 WHEREAS, to the extent ARIN's production of information in the related *Kremen v.*
20 *Cohen Action* may affect any of the issues on ARIN's Motion to Dismiss\Stay in this action, the
21 parties have come to an agreement regarding the Plaintiff's filing (if any) of a supplemental brief
22 and page limitations regarding the production of such information; and

23 WHEREAS, in the interests of judicial economy, the parties have come to an agreement
24 regarding the continuation of the current September 11 hearing and August 28 Reply deadline on
25 ARIN's Motion to Dismiss\Stay, a schedule for the filing of (and page limitations for) a
26 supplemental brief from Plaintiff and a singular Reply brief from ARIN on Plaintiff's Opposition
27 and the to-be-filed supplemental brief, a continued hearing date regarding same in this action, and
28 a continued date for the Case Management Conference and filing of the Case Management

STIPULATED ORDER CONTINUING HEARING ON MOTION TO DISMISS AND CASE MANAGEMENT CONFERENCE

Case No. C 06-02554 JW

Statement.

WHEREFORE, it is hereby stipulated by the parties through their respective counsel that:

(1) the current September 11, 2006, hearing and the August 28, 2006, Reply deadline on ARIN's Motion to Dismiss\Stay shall be continued;

(2) Plaintiff will be allowed to file and personally or electronically serve a supplemental brief on the Motion to Dismiss\Stay (not to exceed 15 pages) relating solely and exclusively to the information produced by ARIN pursuant to the Stipulation (and no other issues) in the related *Kremen v. Cohen Action* by September 18, 2006;

(3) ARIN's Reply brief (not to exceed 25 pages) responding to Plaintiff's August 21, 2006, Opposition and Plaintiff's to-be-filed supplemental brief must be filed and personally or electronically served no later than October 2, 2006;

(4) the hearing date on ARIN's Motion to Dismiss\Stay and the Case Management Conference shall be continued to October 23, 2006, at 9:00 a.m., or as soon thereafter as may be heard, as determined by the Court's availability. (The parties are also available on October 24, 25, and 26, 2006.) The Case Management Conference shall be due seven calendar days before the new hearing date.

Dated: August 25, 2006

MANATT, PHELPS & PHILLIPS, LLP

By: /s/ Jack S. Yeh
Jack S. Yeh

Counsel for Defendant
AMERICAN REGISTRY FOR INTERNET NUMBERS,
LTD.

Dated: August 25, 2006

KRONENBERGER HANLEY, LLP

By: /s/ Terri R. Hanley
Terri R. Hanley

Counsel for Plaintiff
GARY KREMEN

Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Jack S. Yeh hereby attests that concurrence in the filing of this document has been obtained.

ORDER

Pursuant to the foregoing stipulation and good cause appearing therefor, it is hereby ordered as follows:

(1) the current September 11, 2006, hearing and the August 28, 2006, Reply deadline on ARIN's Motion to Dismiss\Stay shall be continued;

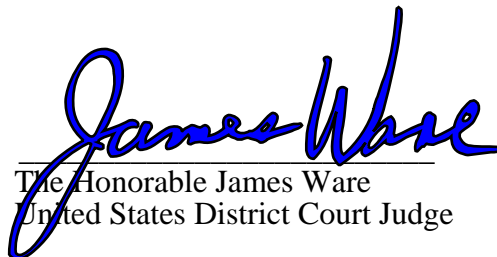
(2) Plaintiff will be allowed to file and personally or electronically serve a supplemental brief on the Motion to Dismiss\Stay (not to exceed 15 pages) relating solely and exclusively to the information produced by ARIN pursuant to the Stipulation (and no other issues) in the related *Kremen v. Cohen Action* by September 18, 2006;

(3) ARIN's Reply brief (not to exceed 25 pages) on ARIN's Motion to Dismiss\Stay responding to Plaintiff's August 21, 2006, Opposition and Plaintiff's to-be-filed supplemental brief must be filed and personally or electronically served no later than October 2, 2006;

(4) the hearing date on ARIN's Motion to Dismiss\Stay ~~and the Case Management Conference~~ shall be continued to October 23, 2006, at 9:00 a.m., ~~or as soon thereafter as may be~~ The Case Mgmt Conf. is set 10/23/06 at 10:00 a.m. ~~heard, as determined by the Court's availability.~~ The Case Management Conference shall be due seven calendar days before the new hearing date.

IT IS SO ORDERED.

Dated August 28, 2006


The Honorable James Ware
United States District Court Judge