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October 27, 2008

*Via E-file*Honorable Howard R. Lloyd  
Northern District of California  
280 South First Street  
San Jose, CA 95113Re: *Coupons, Inc. v. Stottlemire*; Case No. 5:07-cv-03457  
Stipulation to extend ENE deadline

Dear Judge Lloyd:

Attached is a stipulation and proposed order to extend the deadline for the Early Neutral Evaluation. The current deadline is October 31, 2008, and the parties seek to extend the deadline to December 19, 2008. As set forth in the stipulation, the parties were unable to find a mutually acceptable date prior to the October 31 deadline, but together with the evaluator, Mr. Harold McElhinny, the parties have agreed to conduct the ENE session on November 13, 2008 pending an order from the Court extending the deadline.

I informed Mr. Stottlemire that I would draft a stipulation to extend the ENE deadline, and I sent him the attached stipulation for his review on October 21, 2008. However, he informed me he would be away from email from October 21 through November 1, and I have not received a response from him regarding this stipulation. He has, though, agreed to the November 13 date.

The ENE deadline will expire prior to the time Mr. Stottlemire stated he would again have access to email, and so I am filing the stipulation and proposed order without Mr. Stottlemire's signature. If we do not hear from the Court by the time Mr. Stottlemire returns, we will contact him again for his signature. I appreciate the Court's consideration of the issue.

Very truly yours,

Dennis M. Cusack

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cc: John Stottlemire (w/encl.) Stipulation

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7 COUPONS, INC.

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11  
12 COUPONS, INC.,

13 Plaintiff,

14 vs.

15 JOHN STOTTLEMIRE, and DOES 1-10,

16 Defendants.

Case No. 5:07-CV-03457 HRL

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND DEADLINE FOR  
CONDUCTING EARLY NEUTRAL  
EVALUATION**

[N.D. ADR Local Rule 5-5]

17  
18 Plaintiff Coupons, Inc. and Defendant John Stottlemire hereby submit this Stipulation to  
19 extend the deadline for conducting the Early Neutral Evaluation (“ENE”) session.

20 WHEREAS, Judge Lloyd previously extended the deadline to conduct the ENE session  
21 from May 6, 2008 to June 30, 2008, then to July 18, 2008, then to August 22, 2008, and then to  
22 October 31, 2008;

23 WHEREAS, the prior extensions were sought in order to accommodate the briefing  
24 schedule and to await the decision on the second motion to dismiss, and then to accommodate the  
25 schedules of the parties and the appointed evaluator, Harold McElhinny;

26 WHEREAS, the Defendant Mr. Stottlemire subsequently filed a third motion to dismiss  
27 and a motion for sanctions, and these matters will be heard on November 4, 2008;

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STIP AND [PROPOSED] ORDER TO EXTEND  
DEADLINE FOR CONDUCTING EARLY NEUTRAL  
EVALUATION 5:07-CV-03457 HRL

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WHEREAS, the parties have conferred with each other and Mr. McElhinny regarding the ENE session and have attempted in good faith to schedule the session; and

WHEREAS, the parties and Mr. McElhinny have mutually agreed to conduct the ENE session on November 13, pending an order from the Court extending the ENE deadline.

IT IS HEREBY STIPULATED by and between the parties hereto that the deadline for conducting the ENE session will be extended to December 19, 2008.

Dated: October 21, 2008

FARELLA BRAUN & MARTEL LLP

By: /s/ \_\_\_\_\_  
Dennis M. Cusack

Attorneys for Plaintiff  
COUPONS, INC.

Dated: October 21, 2008

By: \_\_\_\_\_  
John Stottlemire  
Defendant, *pro se*

**ORDER**

Good cause appearing therefor, IT IS HEREBY ORDERED that the deadline for conducting the ENE session will be extended to December 19, 2008.

DATED: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Howard R. Lloyd  
Judge of the United States District Court

1 **PROOF OF SERVICE**

2 I, the undersigned, declare that I am a resident of the State of California, employed in the  
3 County of San Francisco, over the age of eighteen years and not a party to the within action. My  
4 business address is: Farella Braun + Martel LLP, 235 Montgomery Street, 17<sup>th</sup> Floor, San  
5 Francisco, California 94104.

6 On this date I served the within document(s):

7 **STIPULATION AND [PROPOSED] ORDER TO EXTEND DEADLINE FOR  
8 CONDUCTING EARLY NEUTRAL EVALUATION**

9 X **BY ELECTRONIC FILING:** the within document(s), the automatically generated  
10 notification for which constitutes service pursuant to General Order 45, Section IX(A) and (B).

11 X **MAIL:** by placing a true copy thereof, addressed as set forth below and enclosed in a  
12 sealed envelope with postage thereon fully prepaid and deposited for collection and mailing with  
13 the U.S. Postal Service. I am readily familiar with the ordinary business practice of this office for  
14 processing mail.

15 John Stottlemire  
16 33103 Lake Garrison Street  
17 Fremont, CA 94555

18 Harold J. McElhinny  
19 Morrison & Foerster  
20 425 Market Street  
21 San Francisco, CA 94105

22 I declare that I am employed in the office of a member of the bar of this court at whose  
23 direction the service was made.

24 I declare under penalty of perjury under the laws of the State of California that the above  
25 is true and correct. Executed in San Francisco, California on **October 27, 2008**.

26 /s/  
27 \_\_\_\_\_  
28 Lawrence L. Coles