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9 Attorneys for Plaintiff
 10 COUPONS, INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

14 COUPONS, INC.,
 15 Plaintiff,
 16 vs.
 17 JOHN STOTTELMIRE, and DOES 1-10,
 18 Defendants.

Case No. 5:07-cv-03457 HRL

**DECLARATION OF DENNIS M.
 CUSACK IN SUPPORT OF MOTION TO
 CONTINUE HEARING AND CASE
 MANAGEMENT DATES**

Judge: Howard R. Lloyd

Courtroom: 2

19 I, Dennis M. Cusack, declare as follows:

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 23 1. I am an attorney licensed to practice before all the courts of the State of California
 24 and before this Court, and I am a partner in the law firm of Farella Braun + Martel LLP ("the
 25 Farella firm"), attorneys for plaintiff Coupons, Inc. in this action.

26 2. Coupons, Inc. first contacted the Farella firm on or about October 17, 2007
 27 regarding substituting in for the Wilson Sonsini firm in this matter.
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1 3. On October 18, 2007, I contacted Mr. Stottlemire regarding obtaining short
2 extensions of time in order for the Farella firm to obtain and review the files in this matter before
3 responding to Mr. Stottlemire's Motion to Dismiss or for Summary Judgment and his Motion for
4 Sanctions ("the pending motions"), and to prepare for the case management conference.

5 4. Mr. Stottlemire tentatively agreed to the continuances as set forth in Coupons'
6 Motion, on the condition that Coupons first substitute in its new counsel.

7 5. Coupons substituted in the Farella firm, Neil A. Goteiner and Dennis M. Cusack,
8 as attorneys of record in this action in place of Wilson, Sonsini, Goodrich & Rosati, John L.
9 Slafsky and Hollis Beth Hire, on October 19, 2007, and promptly served Defendant with the
10 Substitution.
11

12 6. On October 19, 2007, I also provided Mr. Stottlemire with a draft stipulation
13 reflecting the tentatively agreed dates. Mr. Stottlemire responded that the draft did not appear to
14 comply fully with the local rules. I therefore modified the draft stipulation, included a draft
15 declaration, and provided these to Mr. Stottlemire early Monday October 22, 2007.
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17 7. Mr. Stottlemire called me on Monday afternoon to say that he would not sign the
18 stipulation because we had not obtained a court order allowing the Wilson Sonsini firm to
19 withdraw, which he felt was necessary under Local Rule 11-5. We were not able to resolve the
20 dispute over the propriety of the Substitution of Attorneys and Mr. Stottlemire refused to sign the
21 stipulation.

22 8. The only previous time modification in this case was a Court-ordered 60-day
23 extension of time for Defendant John Stottlemire to respond to the Complaint.

24 9. The requested extensions will only delay proceedings in the case by at most three
25 weeks (for the continuance of the hearing on the pending motions) and the continued date for
26
27
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PROOF OF SERVICE

I, the undersigned, declare as follows. I am employed in the County of San Francisco where this service occurred. I am over the age of eighteen years and not a party to this action. My business address is 235 Montgomery Street, 30th Floor, San Francisco, California. On the date below I served true copies of the document(s) listed below:

NOTICE OF MOTION AND MOTION TO CONTINUE HEARING AND CASE MANAGEMENT DATES; DECLARATION OF DENNIS M. CUSACK IN SUPPORT OF MOTION TO CONTINUE HEARING AND CASE MANAGEMENT DATES; [PROPOSED] ORDER FOR CONTINUANCE OF HEARING AND CASE MANAGEMENT DATES

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.
- by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
- by transmitting the documents via electronic mail the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

John Stottlemire
33103 Lake Garrison Street
Fremont, CA 94555
Tel: 614-358-4185
Email: jstottl@comcast.net

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in San Francisco, California on October 22, 2007.

_____/s/
Angelica V. Dugan