| 1 2 3 4 5 6 7 | Neil A. Goteiner (State Bar No. 083524) Dennis M. Cusack (State Bar No. 124988) Carly O. Alameda (State Bar No. 244424) Farella Braun & Martel LLP 235 Montgomery Street, 17th Floor San Francisco, CA 94104 Telephone: (415) 954-4400 Facsimile: (415) 954-4480 E-mail: ngoteiner@fbm.com, dcusack@fbm calameda@fbm.com Attorneys for Plaintiff COUPONS, INC. | .com, | |
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| 8 | UNITED STATES DISTRICT COURT | | |
| 9 | NORTHERN DISTRICT OF CALIFORNIA | | |
| 10 | SAN JOSE DIVISION | | |
| 11 | | | |
| 12 | COUPONS, INC., | Case No. 5:07-CV-03457 HRL | |
| 13 | Plaintiff, | STIPULATION AND [PROPO ORDER TO VACATE PRE-TR | SED] RIAL AND |
| 14 | vs. | TRIAL DATES AND SET FUR MANAGEMENT CONFEREN | THER CASE |
| 15 | JOHN STOTTLEMIRE, and DOES 1-10, | | |
| 16 | Defendants. | | |
| 17 | Plaintiff Coupons, Inc. and Defendant John Stottlemire hereby submit this stipulation to | | |
| 18 | vacate the pre-trial and trial dates set forth in the Case Management Conference Scheduling Order | | |
| 19 | filed February 6, 2008, and request a further Case Management Conference to reset those dates. | | |
| 20 | WHEREAS, the parties previously submitted a Case Management Statement, and | | |
| 21 | participated in a Case Management Conference on February 5, 2008, setting forth pre-trial and | | |
| 22 | trial dates; | | |
| 23 24 | WHEREAS, on February 6, 2008 this Court issued a Case Management Conference | | |
| 24 25 | Scheduling Order setting forth various pre-trial and trial dates; | | |
| 23 26 | WHEREAS, Defendant subsequently filed a motion to dismiss Plaintiff's Second | | |
| 20 27 | Amended Complaint on February 26, 2008; | | |
| 27 | WHEREAS, this Court entered an Order on Defendant's motion to dismiss on July 2, | | |
| ZO Farella Braun & Martel LLP 235 Montgomery Street, 17th Floor San Francisco, CA 94104 (415) 954-4400 | STIP AND [PROPOSED] ORDER TO VACATE PRE- TRIAL AND TRIAL DATES 5:07-CV-03457 HRL | | 22675\1637773.1 |

| 1 | 2008, denying Defendant's motion in part, and granting it in part, and granting Plaintiff leave to | | |
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| 2 | amend its complaint by July 22, 2008; | | |
| 3 | WHEREAS, the Fact Discovery Cutoff date is set at August 19, 2008, and the parties have | | |
| 4 | not yet engaged in any discovery; | | |
| 5 | WHEREAS, the parties plan to engage in discovery, but have continued to postpone | | |
| 6 | engaging in discovery until it is clear which claims will proceed in the case; | | |
| 7 | WHEREAS, the parties would like to vacate the current dates and set new dates in light of | | |
| 8 | the circumstances of the motion to dismiss and current leave to amend, and the approaching | | |
| 9 | discovery cutoff dates; | | |
| 10 | IT IS HEREBY STIPULATED by and between the parties hereto that the pre-trial and | | |
| 11 | trial dates set forth in the Case Management Conference Scheduling Order will be vacated, and a | | |
| 12 | further Case Management Conference will be set during which the parties will propose a new | | |
| 13 | schedule of dates. | | |
| 14 | Dated: July 17, 2008FARELLA BRAUN & MARTEL LLP | | |
| 15 | | | |
| 16 | By: /s/ Dennis M. Cusack | | |
| 17 | Attorneys for Plaintiff | | |
| 18 | COUPONS, INC. | | |
| 19 | Dated: July 17, 2008 | | |
| 20 | | | |
| 21 | By: <u>/s/</u> John Stottlemire | | |
| 22 | Defendant, pro se | | |
| 23 | ORDER | | |
| 24 | Good cause appearing therefor, IT IS HEREBY ORDERED that the pre-trial and trial | | |
| 25 | dates set forth in the Case Management Conference Scheduling Order are hereby vacated, and a | | |
| 26 | further Case Management Conference is set for | | |
| 27 | DATED: | | |
| 28 | The Honorable Howard R. Lloyd | | |
| Farella Braun & Martel LLP 235 Montgomery Street, 17th Floor San Francisco, CA 94104 (415) 954-4400 | STIP AND [PROPOSED] ORDER TO VACATE PRE- TRIAL AND TRIAL DATES 5:07-CV-03457 HRL - 2 - 22675\1637773.1 | | |

| 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 business address is: Farella Braun + Martel LLP, 235 Montgomery Street, 17 th Floor, San | | |
| 4 | Francisco, California 94104. | | |
| 5 | On this date I served the within document(s): | | |
| 6 7 | STIPULATION AND [PROPOSED] ORDER TO VACATE PRE-TRIAL AND TRIAL DATES AND SET FURTHER CASE MANAGEMENT CONFERENCE | | |
| 8 | \underline{X} BY ELECTRONIC FILING: the within document(s), the automatically generated notification for which constitutes service pursuant to General Order 45, Section IX(A) and (B). | | |
| 9 | <u>X</u> MAIL: by placing a true copy thereof, addressed as set forth below and enclosed in a | | |
| 10 | sealed envelope with postage thereon fully prepaid and deposited for collection and mailing with the U.S. Postal Service. I am readily familiar with the ordinary business practice of this office for | | |
| 11 | processing mail. | | |
| 12 | John Stottlemire | | |
| 13 | 33103 Lake Garrison Street Fremont, CA 94555 | | |
| 14 | I declare that I am employed in the office of a member of the bar of this court at whose | | |
| 15 | direction the service was made. | | |
| 16 | I declare under penalty of perjury under the laws of the State of California that the above | | |
| 17 | is true and correct. Executed in San Francisco, California on July 17, 2008. | | |
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| 19 | /s/ Deborah Lynch | | |
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| Farella Braun & Martel LLP 235 Montgomery Street, 17th Floor San Francisco, CA 94104 (415) 954-4400 | STIP AND [PROPOSED] ORDER TO VACATE PRE- TRIAL AND TRIAL DATES 5:07-CV-03457 HRL - 3 - 22675\1637773.1 | | |