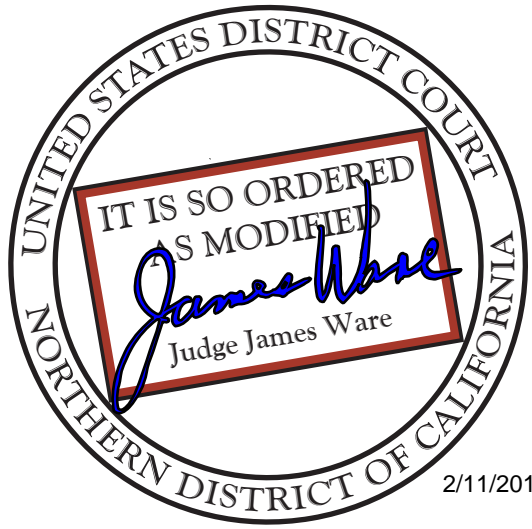


1 Peter M. Hart (State Bar No. 107920)
 2 Joseph A. Whitecavage (State Bar No. 154879)
 3 LeClairRyan LLP
 4 44 Montgomery Street, 18th Floor
 5 San Francisco, California 94104-4705
 6 Telephone: (415) 391-7111
 7 Telefax: (415) 391-8766

8 Attorneys for Defendant
 9 HUSSMANN CORPORATION



10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12 SAN JOSE DIVISION

13 SHOPPERS CORNER, INC., a California
 14 Corporation,
 15 Plaintiff,
 16 v.
 17 HUSSMANN CORPORATION, a Missouri
 18 Corporation,
 19 Defendant.

20 Case No. C 07-06437 JW
 21 STIPULATION AND [PROPOSED]
 22 ORDER GRANTING REQUEST FOR
 23 CONTINUANCE OF TRIAL DATE
 24 Trial Date: June 16, 2010

24 The parties respectfully request that the Court continue the trial date in this action to a
 25 date not before June 23, 2010. Peter M. Hart, Esq., trial counsel for defendant Hussmann
 26 Corporation has a personal, family obligation out of state on June 14-15, 2010. Mr. Hart has
 27 learned that his daughter is now graduating from the University of Oregon on June 14, 2010. The
 28 University only recently changed the schedule of its commencement activities, necessitating this
 request for a continuance to allow defense trial counsel to attend his daughter's graduation on
 June 14, 2010 and move his daughter and her belongings out the following day. Defendant
 Hussmann Corporation will be severely prejudiced if its trial counsel of choice is not available to
 represent it at the jury selection on June 15, 2010 and trial set to commence the following day.

1 Counsel for plaintiff Shoppers Corner, Inc. has stipulated to this request for the
2 continuance of the trial date and plaintiff will not be prejudiced thereby.

3 This would be the second continuance of the trial date in this action. Under the current
4 schedule, the Final Pretrial Conference is scheduled for May 24, 2010, with Jury Selection on
5 June 15, 2010. Trial sessions are scheduled for the afternoons of June 16-18 and June 22-24,
6 2010, with final arguments on June 29, and jury deliberations beginning June 30, 2010. A
7 settlement conference before Magistrate Judge Howard R. Lloyd is scheduled for April 2, 2010.

8 The parties respectfully request that the Court vacate the current dates for jury selection
9 and trial commencement and continue them such that jury selection and trial does not commence
10 before June 22, 2010.

11
12
13 SO STIPULATED:

14 DATED: February 2, 2010

15 /s/
16 STEVEN F. GRUEL
17 Attorney for Shoppers Corner, Inc.

18 DATED: February 2, 2010

19 /s/
20 PETER M. HART
21 Attorney for Hussmann Corporation
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ORDER PURSUANT TO STIPULATION

Pursuant to the parties' Stipulation, the trial date for this matter is continued as follows:

Final Pretrial Conference remains on for **May 24, 2010 at 11:00 a.m.**

Jury Selection set for **June 22, 2010 at 9:00 a.m.**

Jury Trial Date and Sessions:

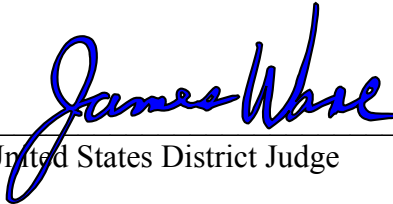
Sessions 1-3 **June 22 - 25, 2010, 1 p.m. to 4 p.m.**

Sessions 4-7 **June 29 - July 1, 2010, 1 p.m. to 4 p.m.**

Argue & Submit **July 2, 2010 , 1 p.m.**

Jury Deliberations **July 6, 2010 - July 9, 2010**

Dated: February 11, 2010


United States District Judge

CERTIFICATE OF FILING

1
2 I hereby certify that on February 2, 2010, I electronically filed the foregoing with the
3 Clerk of the Court using CM/ECF system which will send a notification of electronic filing to the
4 following CM/ECF Participants and served Chamber's Copy via Overnight Federal Express as
5 follows:
6

7 Plaintiff's Counsel:
8 Steven F. Gruel, Esq.
9 315 Montgomery Street, 9th Floor
10 San Francisco, CA 94104
11 Telephone: (415) 989-1253
12 Fax: (415) 449-3622

13 CHAMBER'S COPY SERVED TO JUDGE
14 JAMES WARE
15 280 South 1st Street
16 Courtroom 8, 4th Floor
17 San Jose, CA 95113

18 By: /s/ Peter M. Hart
19 Peter M. Hart
20 LeClairRyan LLP
21 44 Montgomery St., 18th Floor
22 San Francisco, CA 94104
23 (415) 391-7111, Fax (415) 391-8766
24 Peter.Hart@leclairryan.com
25
26
27
28