

MANDANA D. FARHANG
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Plaintiff, appearing *pro se*

**E-filing
 FILED**

AUG 12 2009

FILED
 CLERK U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

MANDANA D. FARHANG

Plaintiff,

vs.

INDIAN INSTITUTE OF TECHNOLOGY,
 KHARAGPUR; TECHNOLOGY
 ENTREPRENEURSHIP AND TRAINING
 SOCIETY; PARTHA P. CHAKRABARTI;
 PALLAB DASGUPTA; GURASHISH S.
 BRAR; RAKESH GUPTA; PRAVANJAN
 CHOUDHURY; SUBRAT PANDA; and
 ANIMESH NASKAR,

Defendants.

: Case No.:C08-02658 RMW HRL

: **JOINT STIPULATION AND**
 : **~~PROPOSED~~ ORDER CONTINUING**
 : **FILING DEADLINES AND HEARING**
 : **DATE**

: Date: August 28, 2009

: Time: 9:00 A.M.

: Judge: Honorable Ronald M. Whyte

1 Plaintiff *pro se* Mandana D. Farhang ("Ms. Farhang") and Defendant Indian Institute of
2 Technology Kharagpur ("IITK"), through its counsel of record, hereby submit this stipulation to
3 continue the hearing on IITK's Motion To Dismiss First Amended Complaint pursuant to Federal
4 Rule of Civil Procedure 12(b)(6) and Motion to Dismiss the First Amended Complaint for Lack
5 of Personal Jurisdiction, Lack of Subject Matter Jurisdiction, and Pursuant to the Doctrine of
6 Forum Non-Conveniens ("the Motions") from August 28, 2009 at 9:00 a.m. to September 25,
7 2009 at 9:00 a.m.

8 **THEREFORE, IT IS HEREBY STIPULATED** that, due to the need for additional time
9 by the plaintiff *pro se* Ms. Farhang, Ms. Farhang and IITK, through its counsel of record agree
10 that:

11 1. Plaintiff Ms. Farhang's opposition to the Motions may be filed and served by email on
12 August 31, 2009, rather than on August 7, 2009;

13 2. IITK's reply to Ms. Farhang's opposition may be filed on September 11, 2009, rather
14 than on August 14, 2009.

15 3. The hearing set for August 28, 2009, at 9:00 a.m., be continued to September 25,
16 2009, at 9:00 a.m., or such other date and time as the Court may set.

17 4. This stipulation shall in no way constitute consent by IITK to this Court's jurisdiction,
18 nor waiver of IITK's sovereign immunity. This stipulation shall in no way alter, modify, or
19 otherwise affect the positions advanced by either party in the First Amended Complaint and the
20 Motions.

1 Dated: Aug 3, 2009

Mandana D. Farhang

Mandana D. Farhang
Plaintiff, appearing *pro se*

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4
5 Dated: August 3, 2009

ORRICK, HERRINGTON & SUTCLIFFE LLP

Nitin Gambhir

6
7 By: Nitin Gambhir

8 ATTORNEYS for Defendants

9 INDIAN INSTITUTE OF TECHNOLOGY
10 KHARAGPUR
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1 MANDANA D. FARHANG
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4 Plaintiff, appearing *pro se*
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 MANDANA D. FARHANG

13 Plaintiff,

14 vs.

15 INDIAN INSTITUTE OF TECHNOLOGY,
KHARAGPUR; TECHNOLOGY
16 ENTREPRENEURSHIP AND
TRAINING SOCIETY; PARTHA
17 P. CHAKRABARTI; PALLAB
DASGUPTA; GURASHISH S.
18 BRAR; RAKESH GUPTA;
PRAVANJAN CHOUDHURY;
19 SUBRAT PANDA; and ANIMESH
NASKAR,

20 Defendants.
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: Case No.:C08-02658 RMW HRL
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:

: **DECLARATION OF MANDANA D.**
: **FARHANG IN SUPPORT OF**
: **STIPULATED REQUEST TO CHANGE**
: **TIME TO RESPOND TO DEFENDANT**
: **IIT KHARAGPUR'S MOTION TO**
: **DISMISS FIRST AMENDED**
: **COMPLAINT PURSUANT TO FEDERAL**
: **RULE OF CIVIL PROCEDURE 12(b)(6)**
: **AND TO ITS MOTION TO DISMISS**
: **FIRST AMENDED COMPLAINT FOR**
: **LACK OF PERSONAL JURISDICTION,**
: **LACK OF SUBJECT MATTER**
: **JURISDICTION, AND PURSUANT TO**
: **DOCTRINE OF FORUM NON**
: **CONVENIENS**
:
:

23 I, Mandana D. Farhang, hereby declare as follows:

24 1. I am the plaintiff in the above captioned case. I am submitting this declaration
25 pursuant to Local Rule 6-2, in support of my Stipulated Request to Change Time to Respond to
26 Defendant Indian Institute of Technology Kharagpur's ("IITK's") Motion To Dismiss First
27 Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) and Motion to
28

1 Dismiss the First Amended Complaint for Lack of Personal Jurisdiction, Lack of Subject Matter
2 Jurisdiction, and Pursuant to the Doctrine of Forum Non-Conveniens ("the Motions").

3 2. My opposition to the Motions is currently due on August 7, 2009.

4 3. On July 21, 2009 I filed a Notice of Unavailability from the jurisdiction from
5 August 7 to August 17, 2009. Although I have tried my best to complete my responses before
6 departing from the jurisdiction, due to the complexity of the issues, I am unable to do so.

7 4. I respectfully request that this Court enlarge the time to respond to the Motions by
8 14 days from my return to the jurisdiction on August 17, namely to August 31, 2009.

9 5. On Thursday July 30, 2009, I requested a stipulation from IITK's counsel for the
10 enlargement of time. On August 3, 2009 the parties executed a Joint Stipulation, as filed with the
11 Court.

12 6. With respect to previous time modifications in the case, on April 22, 2009
13 Defendant IITK requested an additional 60 days to respond to the Complaint. When I was
14 confident that IITK's counsel understood that my agreement stipulate to the extension did not
15 represent my waiver of Orrick's conflict of interest to represent IITK, I agreed to stipulate to, and
16 the Court also granted, IITK's requested 60 day extension.

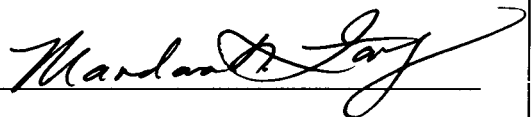
17 7. I will suffer substantial harm and prejudice if I am not given the enlargement of
18 time to respond to the Motions because my case will likely be dismissed.

19 8. I do not feel that this short delay will have a material impact on the case
20

21 I declare under penalty of perjury that the foregoing declaration is true and correct.

22 Executed on August 3, 2009 in San Francisco, California
23

24 Respectfully Submitted By:

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26 Mandana D. Farhang
27 Plaintiff, appearing pro se
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1 **ORDER**

2 Pursuant to the foregoing STIPULATION of the parties:

3 1. Plaintiff Ms. Farhang's opposition to the Motions may be filed and served via
4 email on August 31, 2009, rather than on August 7, 2009;

5 2. IITK's reply to Ms. Farhang's opposition may be filed and served via email on
6 September 11, 2009, rather than on August 14, 2009.

7 3. The hearing is set for September 25, 2009, at 9:00 a.m.

8
9 Dated: 8/12/09

Ronald M. Whyte

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11 By: Honorable Ronald M. Whyte
12 United States District Court
13 Northern District of California
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