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8 Attorney for Plaintiffs  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFONRIA - SAN JOSE DIVISION  
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13 FIBERTREK, INC., a Nevada corporation; )  
14 LAWRENCE P. WAGNER, an individual; )  
15 and JOHN G. PEERY, an individual, )

16 Plaintiffs,

17 -v-

18 PREFERRED CORPORATE SERVICES, )  
19 INC., a California corp.; DOUGLAS )  
20 GREGG, an individual; TDG, LLC, a )  
21 Colorado limited liability company; NEIL )  
22 SMITH, an individual, DOES 1-100, )

23 Defendants.  
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Case No. C08 03415 RS

STIPULATION AND  
~~PROPOSED~~ ORDER FOR  
EXTENSION OF TIME TO  
ANSWER OR OTHERWISE  
RESPOND TO COMPLAINT

29 IT IS HEREBY STIPULATED by the Plaintiffs and Defendants, NEIL  
30 SMITH and TDG, LLC, through their respective attorneys, that SMITH and TDG  
31 be given an extension of 14 calendar days from its current due date to answer or  
32 otherwise respond to the Complaint filed by Plaintiffs and that the Court may enter  
33 the proposed Order below.

34 As such, it is stipulated and agreed that Defendants, SMITH and TDG, have

35 STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF  
36 TIME TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT- C08 03415 RS

1 until September 11, 2008, to file an answer or otherwise respond to the  
2 Complaint. Nothing in this Stipulation shall constitute a waiver of any of the  
3 factual and/or legal defenses available to Defendants SMITH and TDG.

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Dated: Aug. 26, 2008 LAW OFFICES OF CLAUDIA C. BOHORQUEZ

By:   
Claudia C. Bohorquez, Esq.  
Attorney for Defendants SMITH and TDG, LLC

Dated: August 26, 2008 ROPERS, MAJESKI, KOHN & BENTLEY

By:   
Douglas W. Dal Cielo, Esq.  
Attorneys for Plaintiffs, FIBERTREK, INC.,  
WAGNER and PEERY

IT IS SO ORDERED:

Dated: September 2, 2008

  
HON. RICHARD SEEBORG  
United States District Judge

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the  
4 age of 18 and not a party to the within action; my business address is 3500 W. Olive Ave., Suite  
5 300, Burbank, California 91505.

6 On August 26, 2008, I served the foregoing documents described as  
7 **"STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF TIME TO  
8 ANSWER OR OTHERWISE RESPOND TO COMPLAINT"** on the interested parties in  
9 this action [ ] by placing the true and correct copies thereof enclosed in sealed envelopes  
10 addressed as stated on the attached mailing list: [x] by placing [ ] the original [x] a true copy  
11 thereof enclosed in sealed envelopes addressed as follows:

12 Douglas W. Dal Cielo, Esq.  
13 ROPERS, MAJEWSKI, KOHN & BENTLEY  
14 50 W. San Fernando Street, Suite 1400  
15 San Jose, CA 95113

16 [ X ] **BY MAIL** I am "readily familiar" with the firm's practice of collection and processing  
17 correspondence for mailing. Under that practice it would be deposited with U.S. postal service  
18 on that same day with postage thereon fully prepaid at Burbank, California in the ordinary  
19 course of business.

20 Executed on August 26, 2008, at Burbank, California.

21 [ ] **BY OVERNIGHT MAIL** I am "readily familiar" with the firm's practice of collection and  
22 processing correspondence for overnight mailing. Under that practice it would be deposited  
23 with DHL Express mailbox or other like facility regularly maintained by DHL Express on that  
24 same day with postage thereon fully prepaid at Burbank, California in the ordinary course of  
25 business.

26 Executed on \_\_\_\_\_, 2008, at Burbank, California.

27 [ ] **BY FACSIMILE TRANSMISSION:** I transmitted said document(s) via facsimile  
28 machine pursuant to C.R.C. rule 2.306 to fax numbers and at time set forth below. The  
facsimile machine I used complied with rule 2.306 and the transmission was reported as  
complete and without error by the machine. I caused the machine to print a transmission record  
of the transmission, a copy of which is attached to this declaration.

Executed on \_\_\_\_\_, 2008, at Burbank, California.

I declare under penalty of perjury under the laws of the United States of America that the  
foregoing is true and correct.

Executed on Aug. 26, 2008, at Burbank, California.

*Ellen Ingolia*  
\_\_\_\_\_  
Ellen Ingolia