

PHILLIPS, ERLEWINE & GIVEN, LLP
50 California Street, 35th Floor
San Francisco, CA 94111
(415) 398-0900

1 Nicholas A. Carlin, State Bar No. 112532
2 Meagan McKinley-Ball, State Bar No. 245375
3 PHILLIPS, ERLEWINE & GIVEN LLP
4 50 California Street, 35th Floor
5 San Francisco, CA 94111
6 Tel: 415-398-0900
7 Fax: 415-398-0911

8 Attorneys for Defendant and Counterclaimant VHT Amplification, Inc.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 AXL MUSICAL INSTRUMENTS CO.,
13 LTD., a California Corporation,

14 Plaintiff,

15 v.

16 VHT AMPLIFICATION, INC., a California
17 Corporation,

18 Defendant.

19 VHT AMPLIFICATION, INC., a California
20 Corporation,

21 Counterclaimant,

22 v.

23 AXL MUSICAL INSTRUMENTS CO.,
24 LTD., a California Corporation,

25 Counterclaim defendant.

Case No: C08-03947 JW

**STIPULATED REQUEST TO EXTEND
HEARING DATE ON PRELIMINARY
INJUNCTION; DECLARATION OF
NICHOLAS A. CARLIN IN SUPPORT;
PROPOSED ORDER**

Date: October 30, 2008

Time: 10:00 a.m.

Ctrm: 8

Judge: Hon. James Ware

26 Plaintiff AXL Musical Instruments Co. ("AXL") and VHT Amplification, Inc.
27 ("VHT"), by and through their undersigned counsel and pursuant to Local Rules 6-1(b)
28 and 6-2, hereby stipulate and jointly request that the Court postpone the hearing on

1 VHT's motion for a preliminary injunction be moved from October 30, 2008 at
2 10:00AM to November 20, 2008 at 10:00AM.

3
4 **DECLARATION OF NICHOLAS A. CARLIN**

5 1. I am an attorney, licensed to practice before the United States District Court, Northern
6 District of California and all the courts of the State of California, am in good standing with the
7 California State Bar, and am a partner with the firm of Phillips, Erlewine & Given LLP, counsel
8 for defendant and counterclaimant VHT Amplification, Inc. ("VHT") in this action. I have
9 personal knowledge of the following facts and if called as a witness, I could and would testify
10 competently thereto.

11
12 2. Plaintiff AXL Musical Instruments Co. ("AXL") and VHT are currently discussing a
13 possible resolution of this case. AXL and VHT are hopeful that a settlement will be reached
14 before the Court need rule on VHT's motion for a preliminary injunction. The parties and their
15 respective counsel therefore wish to move the hearing on that matter from October 30, 2008 at
16 10:00AM to November 20, 2008 at 10:00AM.

17
18 3. The only previous time modification in this case was the stipulation to extend VHT's
19 time in which to respond to the Complaint. That stipulation was filed on September 16, 2008.

20
21 4. I do not believe that the requested postponement will otherwise change the schedule of
22 this case.

23 I declare under penalty of perjury under the laws of the United States and the State of
24 California that the foregoing is true and correct.

25 Dated: October 30, 2008

26
27
28 By: _____

Nicholas A. Carlin

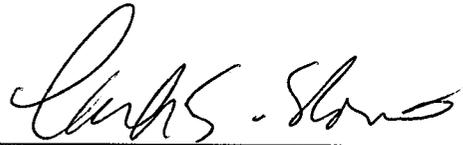
PHILLIPS, ERLEWINE & GIVEN, LLP
50 California Street, 3rd Floor
San Francisco, CA 94111
(415) 398-0900

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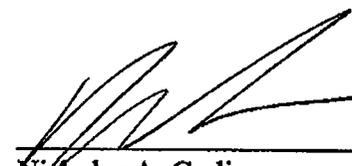
STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, counsel for the parties below, that the hearing on defendant and counterclaimant VHT Amplification, Inc.'s motion for preliminary injunction, set for October 30, 2008 at 10:00AM shall be continued to November 20, 2008 at 10:00AM.

Dated: 10-30, 2008 MacPHERSON, KWON, CHEN & HEID LLP

By: 
Clark Stone
Attorneys for Plaintiff
AXL MUSICAL INSTRUMENTS CO., LTD.

Dated: 10/30, 2008 PHILLIPS, ERLEWINE & GIVEN LLP

By: 
Nicholas A. Carlin
Attorneys for Defendant
VHT AMPLIFICATION, INC.

~~PROPOSED~~ ORDER

The stipulation is found as moot. The Court continued the matter on its on motion to continued the preliminary injunction hearing from October 30, 2008 at 10:00 AM to **November 20, 2008 at 10:00 AM.**

Dated: November 3, 2008

HON. JAMES WARE
United States District Judge