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17 Attorneys for Defendants DWI Holdings,
18 Inc. and Himatsingka America Inc.

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN JOSE DIVISION

22 E&E CO., LTD., a California corporation,

23 Plaintiff,

24 v.

25 DIVATEX HOME FASHION, INC., a New
York corporation, DWI HOLDINGS, INC., a
26 Delaware corporation and HIMATSINGKA
AMERICA INC., a New York corporation and
27 DOES 1-100, inclusive,

28 Defendants.

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Attorneys for Defendant
DIVATEX HOME FASHION, INC.

E-FILED - 4/30/09

CASE NO.: CV 08-5660 (RMW)

STIPULATION AND [ORDER TO CONTINUE HEARING DATE FOR MOTION TO DISMISS

STIPULATION AND [] ORDER TO
CONTINUE HEARING DATE FOR MOTION TO
DISMISS

CASE NO.: CV 08-5660 (RMW)

1 Plaintiff E&E Co., Ltd. (“E&E”), Defendants DWI Holdings, Inc. (“DWI”) and
2 Himatsingka America, Inc. (“Himatsingka”) and Divatex Home Fashion, Inc. (“Divatex”)
3 (collectively, the “parties) hereby stipulate and agree, by and through their undersigned counsel of
4 record, as follows:

5 WHEREAS, DWI and Himatsingka noticed their Motion to Dismiss for May 1, 2009;

6 WHEREAS, the Court has continued the hearing date for Defendants’ Motion to Dismiss
7 to May 8, 2009;

8 WHEREAS, counsel for DWI and Himatsingka are unavailable on May 8, 2009;

9 THEREFORE, the parties, by and through their counsel of record, hereby stipulate and
10 jointly move the Court to continue the hearing date until June 5, 2009, or as soon thereafter as the
11 Court’s calendar permits.

12 Dated: April 23, 2009

McDERMOTT WILL & EMERY LLP

13 By: /s/ Philip C. Ducker
Philip C. Ducker

14 Edwin H. Wheeler (SBN 189991)
15 Philip C. Ducker (SBN 262644)
16 Joel M. Freed

17 Attorneys for Defendants
DWI HOLDINGS, INC. AND
HIMATSINGKA AMERICA INC.

18 Dated: April 23, 2009

ROPERS, MAJESKI, KOHN & BENTLEY

19 By: /s/ Robert P. Andris
20 Robert P. Andris
Elise R. Vasquez

21 Attorneys for Defendant
22 DIVATEX HOME FASHION, INC.

23 Dated: April 23, 2009

SHARTSIS FRIESE LLP

24 By: /s/ Robert C. Ward
25 Robert Charles Ward
26 James P. Martin
Felicia A. Draper
Katherine R. Miller

27 Attorneys for Plaintiff
E&E CO., LTD.

28 MPK 152697-1.084087.0011

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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

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11 E&E CO., LTD., a California corporation,

12 Plaintiff,

13 v.

14 DIVATEX HOME FASHION, INC., a New
15 York corporation, DWI HOLDINGS, INC., a
16 Delaware corporation and HIMATSINGKA
AMERICA INC., a New York corporation and
DOES 1-100, inclusive,

17 Defendants.

CASE NO.: CV 08-5660 RMW

**[] ORDER
CONTINUING HEARING DATE
FOR MOTION TO DISMISS**

18
19
20 **ORDER**

21 Pursuant to the Stipulation between the parties, it is hereby ORDERED that the hearing on
22 Defendants DWI and Himatsingka's Motion to Dismiss shall be continued to June 5, 2009 at
23 9:00 a.m.

24 **IT IS SO ORDERED.**

25 Dated: 4/30/09

Ronald M. Whyte

26 The Hon. Ronald M. Whyte
United States District Court Judge

27 MPK 152697-1.084087.0011