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10 Attorneys for Plaintiffs
 11 EMERGING VISION, INC. and
 12 STERLING VISION OF CALIFORNIA, INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

16 EMERGING VISION, INC. and
 17 STERLING VISION OF CALIFORNIA, INC.,

18 Plaintiffs,

19 v.

20 FOR EYES OPTICAL COMPANY,

21 Defendant.

Case No. C 09-01343 JW(HRL)

22 **STIPULATION AND [PROPOSED]**
 23 **ORDER CONTINUING CASE**
 24 **MANAGEMENT CONFERENCE**

25 *[Civil L.R. 16-2 (e)]*

26 **Existing Case Management Conference**
 27 **Date: September 21, 2009**
 28 **Time: 10:00 a.m.**
Dept: Courtroom 8, 4th Floor
Before the Honorable James Ware

1 **STIPULATION**

2 Pursuant to Civil L.R. 16-2(e) and the Standing Order Regarding Case Management in Civil
3 Cases, Plaintiffs Emerging Vision, Inc. and Sterling Vision of California, Inc. ("Plaintiffs") on the
4 one hand, and Defendant For Eyes Optical Company ("Defendant"), on the other hand, (Plaintiffs
5 and Defendant collectively referred to as the "Parties"), by and through their respective counsel,
6 have stipulated as follows:

7 WHEREAS, pursuant to the Court Order dated August 21, 2009, there is currently scheduled
8 a Case Management Conference on September 21, 2009 at 10:00 a.m., and a Joint Case Management
9 Statement due to be filed by September 11, 2009; and

10 WHEREAS, the Parties have stipulated and agreed to request a fourteen-day continuance of
11 the existing Case Management Conference from September 21, 2009 to October 5, 2009 at
12 10:00 a.m., and of the existing Joint Case Management Statement from September 11, 2009 to
13 September 25, 2009;

14 IT IS HEREBY STIPULATED AND AGREED that the Case Management Conference be
15 continued from September 21, 2009 to **October 5, 2009, at 10:00 a.m.**;

16 IT IS FURTHER STIPULATED AND AGREED that the Joint Management Conference
17 Statement be continued from September 11, 2009 to **September 25, 2009.**

18 **IT IS SO STIPULATED.**

19 Dated: September 10, 2009

20 BAKER & MCKENZIE LLP
James David Jacobs
Marcella Ballard

21 BAKER & MCKENZIE LLP
Bruce H. Jackson
Irene V. Gutierrez

22 By: _____ /s/
23 Bruce H. Jackson
24 Attorneys for Plaintiffs
25 EMERGING VISION, INC. and
26 STERLING VISION OF CALIFORNIA,
27 INC.
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Dated: September 10, 2009

AKERMAN SENTERFITT LLP
Michael S. Simon

By: _____ /s/
Michael S. Simon
Attorneys for Defendant
FOR EYES OPTICAL COMPANY

ORDER

PURSUANT TO STIPULATION, IT IS ORDERED as follows.

The Initial Case Management Conference is continued to **October 5, 2009 at 10:00 a.m.**
The Parties are to file a Joint Case Management Conference Statement by **September 25, 2009.**

Dated: September 16, 2009



JUDGE OF THE U.S. DISTRICT COURT

1 **CERTIFICATE OF SERVICE**

2 I, Barbara Loeb, declare: I am employed in the City and County of San Francisco,
3 California. I am over the age of 18 years and not a party to the within action. My business address
4 is Two Embarcadero Center, Suite 1100, San Francisco, CA 94111. On September 10, 2009, I
5 served the following document:

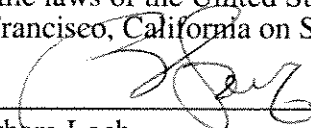
6 **STIPULATION AND [PROPOSED] ORDER CONTINUING CASE MANAGEMENT**
7 **CONFERENCE**

8 on the parties in this action by placing true and correct copies thereof in sealed packages, addressed
9 as follows:

10 **SEE ATTACHED SERVICE LIST**

- 11 **(BY U.S. MAIL)** I placed such sealed envelope, with postage thereon fully prepaid for first-
12 class mail, for collection and mailing at BAKER & McKENZIE LLP, San Francisco,
13 California, following ordinary business practices. I am readily familiar with the practice of
14 BAKER & McKENZIE LLP for collection and processing of correspondence, said practice
15 being that in the ordinary course of business, correspondence is deposited in the United States
16 Postal Service the same day as it is placed for collection.
- 17 **(BY PERSONAL SERVICE)** I caused each such envelope to be delivered by hand to the
18 addressee(s) noted above.
- 19 **(BY FACSIMILE)** I am readily familiar with the Firm's practice of processing documents sent
20 via facsimile. They are transmitted to the recipient, whose fax number(s) is noted above, on the
21 same day in the ordinary course of business.
- 22 **(VIA OVERNIGHT COURIER)** I placed such sealed envelope, for collection, at BAKER &
23 McKENZIE LLP, San Francisco, California. I am readily familiar with the practice of BAKER
24 & McKENZIE LLP for collection and processing of overnight packages, said practice being
25 that in the ordinary course of business, documents are deposited with the overnight courier the
26 same day as they are placed for collection.
- 27 **(VIA ELECTRONIC TRANSMISSION)** I caused each such document to be sent via
28 electronic transmission to the e-mail address referenced above.
- (VIA CM/ECF NOTICE OF ELECTRONIC FILING):** I caused said document(s) to be
served by means of the Court's electronic transmission of the Notice of Filing through the
Court's transmission facilities, to the parties and/or counsel who are registered as CM/ECF
Users, as set forth in the service list of the Court.

29 I declare under penalty of perjury under the laws of the United States of America that the
30 foregoing is true and correct. Executed at San Francisco, California on September 10, 2009.

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32 _____
33 Barbara Loeb

SERVICE LIST

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