

1 David C. Parisi (SBN 162248)  
 Email: dparisi@parisihavens.com  
 2 PARISI & HAVENS LLP  
 15233 Valleyheart Drive  
 3 Sherman Oaks, California 91403  
 Tel: (818) 990-1229  
 4 Fax: (818) 501-7852

5 *Attorneys for Plaintiff*  
 RUDOLF ZIJDEL and the putative class

6 Steven Paul Mandell (Admitted *Pro Hac Vice*)  
 7 Email: smandell@mandellmenkes.com  
 Steven Lawrence Baron (Admitted *Pro Hac Vice*)  
 8 Email: sbaron@mandellmenkes.com  
 9 Mandell Menkes LLC  
 100 West Wacker Drive, Suite 300  
 10 Chicago, Illinois 60606  
 Tel: (312) 251-1000  
 11 Fax: (312) 251-1010

12 Alexandria Rose Kachadoorian  
 13 akachadoorian@stroock.com  
 Stroock & Stroock & Lavan LLP  
 14 2029 Century Park East, Suite 1600  
 Los Angeles, California 90067-3086  
 15 Tel: (310) 556-5800  
 16 Fax: (310) 556-5959

17 *Attorneys for Defendant*  
 THUMBPLAY, INC.



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

21 RUDOLF ZIJDEL, individually and on behalf of  
 22 a class of similarly situated individuals,

23 Plaintiff,

24 v.

25 THUMBPLAY, INC., a Delaware corporation,  
 M-QUBE, INC., a Delaware corporation,

26 Defendants.  
 27

Case No. 5:09-03252 (JW)

Honorable James Ware

**CLASS ACTION**

~~Proposed~~ **ORDER DENYING  
 STIPULATION AND REQUEST TO  
 CONTINUE HEARING DATE**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The Court, having considered the parties' Joint Stipulation Requesting Continuance of Hearing Date, the request is DENIED and the hearing on Thumbplay, Inc's Motion to Dismiss the Complaint remains on calendar for **March 29, 2010 at 9:00 AM**. The parties shall comply with the briefing schedule in accordance with the Civil Local Rules. The Court also continues the Case Management Conference set for March 22, 2010 at 10:00 AM to **March 29, 2010 at 10:00 AM**. The parties shall file their joint case management conference statement on or before **March 19, 2010**.

Dated this 5th day of March, 2010

  
\_\_\_\_\_  
HONORABLE JAMES WARE  
UNITED STATES DISTRICT JUDGE