

E-Filed 6/3/10

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5 Attorneys for Defendants
 SWISH MARKETING, INC.,
 6 MATTHEW PATTERSON and JASON STROBER

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

12 FEDERAL TRADE COMMISSION,)
)
 13 Plaintiffs,)
)
 14 vs.)
)
 15 SWISH MARKETING, INC., a corporation,)
 MARK BENNING, individually and as an)
 16 officer of SWISH MARKETING, INC.,)
 MATTHEW PATTERSON, individually)
 17 and as an officer of SWISH MARKETING,)
 INC., and JASON STROBER, individually)
 18 and as an officer of SWISH MARKETING,)
 INC.,)
 19 Defendants.)
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Case No.: C09 03814 RS

[Hon. Richard Seeborg]

**STIPULATION TO CONTINUE CASE
 MANAGEMENT CONFERENCE;
~~PROPOSED ORDER~~;
 DECLARATION OF BRIAN M.
 GROSSMAN IN SUPPORT**

Complaint Filed: August 19, 2009

Trial Date: None Set

1 **STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE**

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3 The Motion to Dismiss filed by defendant Mark Benning is set to be heard on June 24, 2010.
4 The Case Management Conference is currently set for June 10, 2010. Insofar as the parties expect
5 to be in Court on June 24, 2010 for the Motion to Dismiss, and counsel for defendants Jason Strober,
6 Matthew Patterson and Swish Marketing, Inc. are located in Los Angeles, the parties jointly and
7 respectfully request that the Case Management Conference be continued to June 24, 2010, so that
8 counsel do not have to make two separate trips to San Francisco within a two-week period.

9 The parties also note that the Court typically hears motions at 1:30 p.m. and conducts case
10 management conferences at 10:00 a.m. If it is possible for the Court to hear both matters (*i.e.*,
11 Benning’s Motion to Dismiss and the Case Management Conference) at 1:30 p.m., the parties would
12 be most grateful.

13 The filer attests that concurrence in the filing of this document has been obtained from each
14 of the other signatories.

15
16 DATED: June 2, 2010

TESSER & RUTTENBERG
BRIAN M. GROSSMAN

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18 /s/ Brian M. Grossman

19 _____
BRIAN M. GROSSMAN
Attorney for Defendants
SWISH MARKETING, INC.,
MATTHEW PATTERSON and JASON STROBER

20
21
22 DATED: June 2, 2010

LISA D. ROSENTHAL
KERRY O’BRIEN
EVAN ROSE

23
24 /s/ Kerry O’Brien

25 _____
KERRY O’BRIEN
Attorney for Plaintiff
FEDERAL TRADE COMMISSION

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28 ///

1 DATED: June 2, 2010

LOEB & LOEB LLP
MICHAEL L. MALLOW
MICHAEL A. THURMAN

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/s/ Michel L. Mallow

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MICHAEL L. MALLOW
Attorney for Defendants
SWISH MARKETING, INC., and
MATTHEW PATTERSON

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7 DATED: June 2, 2010

BERGESON, LLP
DANIEL J. BERGESON
DONALD P. GAGLIARDI
ELIZABETH D. LEAR

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/s/ Donald P. Gagliardi

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DONALD P. GAGLIARDI
Attorney for Defendant
MARK BENNING

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ORDER

Pursuant to the Stipulation by all parties in this action, the Case Management Conference, which was previously scheduled for June 10, 2010, is hereby continued to June 24, 2010 at 1:30 p.m..

DATED: 6/2/10



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE