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11 Attorneys for Defendant
12 Finiti Group, LLC



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14 UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 ACTUATE CORPORATION, a California)
18 corporation)
19 Plaintiff,)
20 vs.)
21 FINITI LLC; and DOES 1 through 10,)
22 Defendants.)

5:10-cv-02797-EJD

STIPULATION AND ORDER
EXTENDING LAST DAY
TO MEDIATE; EXTENDING
CASE SCHEDULE; DECLARATION
OF JAN J. KLOHONATZ

1 WHEREAS, upon reassignment of the above-captioned case to the Honorable Edward J.
2 Davila, the Court on or about May 11, 2011 entered a Modified Scheduling Order requiring,
3 among other things, that the parties undertake private mediation of this case by July 29, 2011;

4 WHEREAS, the parties have already selected and retained a mediator;

5 WHEREAS, the parties have encountered difficulties scheduling certain depositions
6 critical to the mediation, some of which will require extensive travel;

7 WHEREAS, the parties have determined that further discovery, in addition to what
8 previously was anticipated, needs to be conducted to be able to conduct a meaningful mediation;

9 WHEREAS, the parties would like additional time to prepare for and engage in the
10 mediation to, among other things, conduct all the necessary discovery and engage in discussion
11 about resolution of the case in advance of the mediation;

12 WHEREAS, the parties would like the opportunity to engage in a mediation sufficiently
13 in advance of other events in the case schedule to see whether the case can be resolved, thus
14 making such other events unnecessary;

15 WHEREAS, the date for the last day to mediate has previously been modified once by
16 stipulation, and the last day to mediate and the other dates sought to be moved by this stipulation
17 and order were modified in the Court's Modified Scheduling Order; and

18 WHEREAS, the time modifications will not have a material effect on the schedule of the
19 case as a trial date has not yet been set, the only date currently on the Court's calendar that would
20 move is the Preliminary Pretrial Conference, and the parties are asking only that the specified
21 events be moved by two (2) months;

22 NOW, THEREFORE, WITH GOOD CAUSE APPEARING, the parties, by and through
23 their respective counsel, hereby agree that the case schedule be modified as follows:

24 Deadline for Completion of ADR/Mediation: September 30, 2011

25 Close of Expert Discovery:
26 (Dates for designation of experts, objections
 and rebuttal will be based on this date) December 31, 2011

27 Last Date for Hearing Dispositive Motions: March 2, 2012

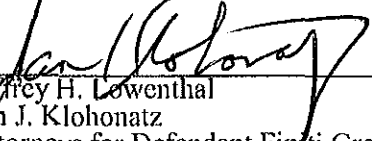
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Preliminary Pretrial Conference (11 am): December 16, 2011 (Friday)
Preliminary Pretrial Conference Statements: December 6, 2011

Dated: July 28, 2011

STEYER LOWENTHAL BOODROOKAS
ALVAREZ & SMITH LLP

By: 
Jeffrey H. Lowenthal
Jan J. Klohonatz
Attorneys for Defendant Finita Group, LLC

Dated: July 28, 2011

LEE TRAN & LIANG APLC

By: 
Daniel Taylor
Attorneys for Plaintiff Actuate Corporation

IT IS SO ORDERED.

Dated: July ____, 2011

EDWARD J. DAVILA
DISTRICT COURT JUDGE

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DECLARATION OF JAN J. KLOHONATZ

I, Jan J. Klohonatz, declare as follows:

1. I am an attorney at law licensed to practice before all of the courts of the State of California and before this Court. I am an attorney at the law firm of Steyer Lowenthal Boodrookas Alvarez & Smith LLP, attorneys of record for Defendant Finiti Group, LLC in the above-referenced matter. I make this Declaration of my own personal knowledge, and if called as a witness, I would and could testify competently to the matters stated herein. I make this declaration in support of the Stipulation and Order Extending Schedule.

2. Upon reassignment of the above-captioned case to the Honorable Edward J. Davila, the Court on or about May 11, 2011 entered a Modified Scheduling Order requiring, among other things, that the parties undertake private mediation of this case by July 29, 2011.

3. The parties already have selected and retained a mediator. The parties, however, have encountered difficulties scheduling certain depositions critical to the mediation, some of which will require extensive travel. The parties also have determined that further discovery, in addition to what previously was anticipated, needs to be conducted to be able to conduct a meaningful mediation

4. The parties would like additional time to prepare for and engage in the mediation to, among other things, conduct all the necessary discovery and engage in discussion about resolution of the case in advance of the mediation. The parties also would like the opportunity to engage in a mediation sufficiently in advance of other events in the case schedule to see whether the case can be resolved, thus making such other events unnecessary

5. The date for the last day to mediate has previously been modified once by stipulation and order, and the last day to mediate and the other dates sought to be moved by this stipulation and order were modified in the Court's Modified Scheduling Order.

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CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2011, I electronically filed the foregoing STIPULATION AND ORDER EXTENDING LAST DAY TO MEDIATE; DECLARATION OF JAN. J. KLOHONATZ with the Clerk of the Court using the ECF system which will send notification of such filing to all attorneys of record registered for electronic filing.

/s/ Linda Rorem
Linda Rorem