

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PHOTON CONTROL, INC.,)	Case No.: 10-CV-04221-LHK
)	
Plaintiff,)	ORDER GRANTING, AS MODIFIED,
v.)	JOINT STIPULATION TO CONTINUE
)	CASE MANAGEMENT CONFERENCE
AZBIL NORTH AMERICA, INC.,)	
)	(re: docket #26)
Defendant.)	

On February 3, 2011, Defendant voluntarily withdrew its motion to compel and to dismiss or stay proceedings, a motion that was scheduled to be heard on March 10, 2011. *See* Dkt. #25. In addition, on February 3, 2011, the parties filed a joint stipulation for extension of time and continuance of the currently scheduled March 10, 2011 Case Management Conference. The parties represent that they are working to finalize a settlement, which would also resolve a second litigation presently pending in state court in San Jose. The second litigation involves the parent company of Defendant Azbil, the Yamatake Corporation of Tokyo, Japan. The parties request a suspension of litigation activities until mid-May 2011, and seek of a continuance of the Case Management Conference to Monday, May 16, 2011.

The Court appreciates the parties' efforts at an efficient resolution of this action. However, on January 7, 2011, the Court continued the Case Management Conference from February 17, 2011 to March 10, 2011 based on the parties' similar representations that they were attempting to finalize a settlement. *See* Dkt. #24. The Court is reluctant to set an initial Case Management

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Conference eight months after the filing of the Complaint on September 17, 2010. In light of the parties' representations, however, the Court will continue the Case Management Conference for a shorter period of time.

Accordingly, the Case Management Conference currently scheduled for Thursday, March 10, 2011 at 1:30 p.m. is continued to Wednesday, April 13, 2011 at 2:00 p.m. Defendant may file its response to Plaintiff's complaint up to and including April 6, 2011. Further requests for extensions of time shall be disfavored. If the case settles, the parties should file a stipulation of dismissal as soon as practicable, but in any event, no later than April 6, 2011.

IT IS SO ORDERED.

Dated: February 4, 2011



LUCY H. KOH
United States District Judge