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7 Attorneys for Plaintiff
 Vendio Services, Inc.

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

12 VENDIO SERVICES, INC., a Delaware
 corporation,
 13
 14 Plaintiffs,
 v.
 15 P.S. PRODUCTS, INC., an Arkansas
 corporation, and BILLY PENNINGTON, an
 16 individual,
 17 Defendants.

Case No. 5:10-cv-04455 JW

**STIPULATION AND [PROPOSED]
 ORDER** 

18
 19 WHEREAS, Plaintiff Vendio Services, Inc. (“Vendio”) filed this declaratory judgment
 20 action on October 1, 2010;

21 WHEREAS, Defendants P.S. Products, Inc. and Billy Pennington (collectively,
 22 Defendants) filed their Motion to Dismiss for Lack of Jurisdiction or, in the Alternative, Motion
 23 to Transfer (“Motion”) on October 27, 2010;

24 WHEREAS, Defendants’ Motion is currently scheduled for hearing on December 20,
 25 2010;

26 WHEREAS, Vendio is seeking jurisdictional discovery in order to support its opposition
 27 to Defendants’ Motion;

28 WHEREAS, the parties have conferred and agreed to continue the hearing of Defendants’

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 ATTORNEYS AT LAW
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1 Motion until February 14, 2010;

2 WHEREAS, the initial CMC is scheduled for December 20, 2010;

3 WHEREAS, Defendants' counsel resides in Arkansas;

4 WHEREAS, the parties agree it would be more convenient and efficient to hold the initial
5 CMC on the same day as the hearing on Defendants' Motion;

6 ACCORDINGLY, the parties, by and through their counsel of record, hereby stipulate and
7 agree that the hearing on Defendants' Motion should be continued until February 14, 2010 and
8 hereby request that the initial CMC be rescheduled for that same day.

9 IT IS SO STIPULATED.

10 Dated: November 15, 2010

FENWICK & WEST LLP

11 By: /s/ Ryan J. Marton

Ryan J. Marton

12 Attorneys for Plaintiff Vendio Services, Inc.

13 Dated: November 15, 2010

STEWART LAW FIRM

14 By: /s/ Chris H. Stewart

Chris H. Stewart

15 Attorneys for Defendants
16 P.S. Products, Inc. and Billy Pennington

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18
19
20 ~~PROPOSED~~ ORDER

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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24 Dated: November 18, 2010

By: James Ware
Honorable James Ware

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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Ryan J. Marton, attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 15th day of November 2010, at San Francisco, California.

FENWICK & WEST LLP

By: /s/ Ryan J. Marton
Ryan J. Marton

Attorneys for Plaintiff Vendio Services, Inc.

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