1 BLECHER & COLLINS, P.C. Maxwell M. Blecher (State Bar No. 26202) 2 mblecher@blechercollins.com Harold R. Collins, Jr. (State Bar No. 37114) hcollins@blechercollins.com 3 515 South Figueroa Street, Suite 1750 Los Angeles, California 90071-3334 Telephone: (213) 622-4222 4 5 Facsimile: (213) 622-1656 Attorneys for Plaintiff Digital Sun 6 7 UNITED STATES DISTRICT COURT 8 9 NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION 10 CASE NO. CV 10-04567 LHK 11 DIGITAL SUN, a California corporation, STIPULATION AND [<del>PROPOSED</del>] 12 ORDER TO EXTEND TIME TO FILE Plaintiff, AN AMENDED COMPLAINT 13 VS. 14 Hon. Judge Lucy H. Koh Courtroom 4, 5th Floor THE TORO COMPANY, a Delaware 15 corporation, Complaint Filed: October 8, 2010 Defendant. Trial Date: None set 16 17 WHEREAS, the Court on March 22, 2011 Issued Its Order Granting Defendant's 18 19 Motion to Dismiss with Leave to Amend ("March 22 Order"); WHEREAS, the Court in its March 22 Order granted plaintiff Digital Sun until 20 21 April 12, 2011 to file an Amended Complaint; 22 WHEREAS, no prior agreement to extend the time to file an Amended Complaint 23 has been requested or ordered; 24 WHEREAS, Plaintiff Digital Sun and Defendant The Toro Company ("Toro"), through their respective counsel, have renewed their discussions attempting to resolve 25 26 this matter; and 27 WHEREAS, additional time is necessary within which to continue and conclude these discussions in the hope of resolving the dispute and avoiding additional expense; 28

| 1  | And good cause existing therefore.  |
|----|---|
| 2  | THE PARTIES HEREBY JOINTLY STIPULATE AND REQUEST PURSUANT                                 |
| 3  | TO LOCAL RULE 6-2(a), AS FOLLOWS:   |
| 4  | 1. That Plaintiff Digital Sun be granted an extension to April 15, 2011 to file an        |
| 5  | Amended Complaint;  |
| 6  | 2. That all other dates and deadlines set forth in the March 22 Order remain the          |
| 7  | same.   |
| 8  | IT IS SO STIPULATED.  |
| 9  | Dated: April 8, 2011 BLECHER & COLLINS, P.C. MAXWELL M. BLECHER                           |
| 10 | HAROLD R. COLLINS   |
| 11 |   |
| 12 | By:/s/<br>Maxwell M. Blecher  |
| 13 | Attorneys for Plaintiff Digital Sun   |
| 14 | In accordance with General Order No. 45, Rule X, the above signatory                      |
| 15 | attests that concurrence in the filing of this document has been obtained from the        |
| 16 | signatory below.  |
| 17 | Dated: April 8, 2011 BERGESON, LLP  |
| 18 |   |
| 19 | By:<br>Melinda M. Morton  |
| 20 | Of Counsel:   |
| 21 | Matthew L. Woods, Esq.<br>Stacy P. Slaughter, Esq.<br>ROBINS, KAPLAN, MILLER & CIRESI LLP |
| 22 | ROBINS, KAPLAN, MILLER & CIRESI LLP   |
| 23 | Attorneys for Defendant THE TORO COMPANY  |
| 24 |   |
| 25 | <u>ORDER</u>  |
| 26 | PURSUANT TO STIPULATION, IT IS SO ORDERED.  |
| 27 | DATED: April 12, 2011 2011 UNK ED STATES DISTRICT JUGGE                                   |
| 28 | The Honorable Lucy H. Koh   |
| :  | - 2 -   |

STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO FILE AMENDED COMPLAINT