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10 Attorneys for Defendant
 11 THE TORO COMPANY

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

15 DIGITAL SUN, a California corporation,
 16 Plaintiff,
 17 vs.
 18 THE TORO COMPANY, a Delaware
 19 corporation,
 20 Defendant.

Case No. CV10-04567 LHK

**STIPULATION AND ~~PROPOSED~~
 ORDER TO EXTEND DEFENDANT'S
 TIME TO RESPOND TO COMPLAINT**

Hon. Judge Lucy H. Koh
 Courtroom 4, 5th Floor

Complaint Filed: October 8, 2010
 Trial Date: None set

1 WHEREAS the Court issued an Order Setting Initial Case Management Conference and
2 ADR Deadlines on October 8, 2010 (“October 8 Order”);

3 WHEREAS Defendant The Toro Company (“Toro”) was served with the complaint on
4 October 18, 2010, and a response to that complaint is due on November 3, 2010;

5 WHEREAS counsel for Toro was retained to represent Toro in this action on or about
6 October 28, 2010;

7 WHEREAS no prior agreement to extend the time to respond to the complaint has been
8 requested or ordered;

9 WHEREAS counsel for Toro identified an alternative-dispute-resolution provision that
10 may control this case;

11 WHEREAS Plaintiff Digital Sun and Defendant Toro, by and through their respective
12 attorneys have engaged in initial discussions in an attempt to resolve this matter; and

13 WHEREAS additional time is necessary within which to continue and conclude those
14 discussions in the hope of resolving the dispute and avoiding additional expense;

15 And good cause existing therefore,

16 THE PARTIES HEREBY JOINTLY STIPULATE AND REQUEST, PURSUANT TO
17 LOCAL RULE 6-2(a), AS FOLLOWS:

- 18 1. That Defendant Toro be granted an extension to January 5, 2011 to respond to the
19 Complaint;
- 20 2. That the Initial Case Management Conference, currently scheduled for January 26,
21 2011, be continued to March 23, 2011 at 2:00 p.m., or as soon thereafter as this
22 matter may be heard;
- 23 3. That all other deadlines listed in the October 8 Order be continued accordingly; and
- 24 4. That during this extension, any extension or claims that Toro may have are tolled.

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1 IT IS SO STIPULATED.

2 Dated: November 2, 2010

BERGESON, LLP

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By: _____/s/_____

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Melinda M. Morton

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Of Counsel:

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Matthew L. Woods, Esq.

William H. Manning, Esq.

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ROBINS, KAPLAN, MILLER & CIRESI LLP

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Attorneys for Defendant
THE TORO COMPANY

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In accordance with General Order No. 45, Rule X, the above signatory attests that
11 concurrence in the filing of this document has been obtained from the signatory below.

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Dated: November 2, 2010

BLECHER & COLLINS, P.C.

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By: _____/s/ Maxwell M. Blecher_____

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Maxwell M. Blecher
Harold R. Collins, Jr.

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Attorneys for Plaintiff
DIGITAL SUN

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ORDER

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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DATED: November 3, 2010



UNITED STATES DISTRICT JUDGE
The Honorable Lucy H. Koh

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