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 11 DUCATI NORTH AMERICA, INC.

12
 13 UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION
 16

17 JONAS SUGARMAN and QUANG LE, on behalf
 of themselves and all others similarly situated,

18 Plaintiffs,

19 v.

20 DUCATI NORTH AMERICA, INC.,

21 Defendant.
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Case No. CV 10-5246-JF (PSG)

**STIPULATION AND ~~PROPOSED~~
 ORDER RESCHEDULING THE
 INITIAL CASE MANAGEMENT
 CONFERENCE**

Judge: Hon. Jeremy D. Fogel
 Courtroom: 3, 5th Floor

[Filed Concurrently With: Motion to
 Reschedule Initial Case Management
 Conference]

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1 **STIPULATION**

2 WHEREAS, on February 1, 2011, the Honorable Jeremy D. Fogel issued an Order setting
3 a Case Management Conference in the above-captioned matter for March 4, 2011;

4 WHEREAS this conference would be the parties' Initial Case Management Conference;

5 WHEREAS David W. Ichel, lead trial counsel for Defendant Ducati North America, Inc.
6 ("Ducati"), teaches a course at Duke University School of Law, in Durham, North Carolina, on
7 March 4, 2011;

8 WHEREAS Mr. Ichel teaches every Friday during the Spring;

9 WHEREAS Local Rule 16-10(a) requires the presence of lead trial counsel at an Initial
10 Case Management Conference;

11 WHEREAS Ducati believes that the in person participation of its lead trial counsel at the
12 Initial Case Management Conference would make discussion of any substantive matters more
13 productive; and

14 WHEREAS Plaintiffs' counsel has been informed of this conflict and agrees that Mr.
15 Ichel's participation will enhance the productivity of the Initial Case Management Conference;

16 NOW, THEREFORE, Plaintiffs and Defendant hereby request that the Court reschedule
17 the Case Management Conference, currently set for March 4, 2011 in the above-captioned Court,
18 to either March 1, 2011 or March 2, 2011 at 9 a.m. or another time, based on the Court's
19 convenience.

20 IT IS SO STIPULATED.

21 Dated: February 2, 2011

GIRARD GIBBS LLP

22 By _____ /s/
Geoffrey A. Munroe, 228590
gam@girardgibbs.com

23 Attorneys for Plaintiffs


24 Dated: February 3, 2011

SIMPSON THACHER & BARTLETT LLP

26 By _____ /s/
Simona G. Strauss, 203062
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27 Attorneys for Defendant

1 **PURSUANT TO STIPULATION, IT IS ORDERED** that the Initial Case Management
2 Conference in this action be set for March 3, 2011 at 10:00 a.m. in the above-captioned
3 Court. All related deadlines are accordingly rescheduled based upon this date.

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5  _____
6 The Honorable Jeremy D. Seal

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ECF FILER'S ATTESTATION

I, Simona G. Strauss, as the e-filing signatory, attest that concurrence in filing this document has been obtained from Geoffrey A. Munroe. In accordance with General Order 45 Section X(B), I shall maintain a record of Mr. Munroe's concurrence for subsequent production for the Court if so ordered or for inspection upon request by a party until one year after final resolution of the action.

Dated: February 3, 2011

By _____ /s/
Simona G. Strauss, 203062
sstrauss@stblaw.com