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12/4/2012

7 Attorneys for Plaintiff and Counter-Defendant
 8 INCORP SERVICES, INC. and
 9 Counter-Defendant TENNIE SEDLACEK

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 **INCORP SERVICES, INC.**, a Nevada
 14 corporation,
 15 Plaintiff,

16 vs.

17 **INCSMART.BIZ, INC.**, a Nevada
 18 corporation;
 19 **DAVID OLIVER**, an individual;
 20 **MICHAEL LASALA**, an individual; and
 21 **DOES 1-10**, inclusive,
 22 Defendants.

Case No. 11-CV-4660-EJD-PSG

**STIPULATED NOTICE OF
 WITHDRAWAL OF MOTION FOR
 ORDER TO SHOW CAUSE
 WITHOUT PREJUDICE**

23 **INCSMART.BIZ, INC.**, a Nevada
 24 corporation,
 25 Counter-Claimant,

26 vs.

27 **INCORP SERVICES, INC.**, a Nevada
 28 corporation; **TENNIE SEDLACEK**, an
 individual; **JENNIFER L. REUTING**, an
 individual; and **DOUG ANSELL**, an
 individual,
 Counter-Defendants.

Case No. 11-CV-4660-EJD-PSG

**STIPULATED NOTICE OF WITHDRAWAL OF
 MTN FOR OSC**





1 **TO THE CLERK OF THE COURT AND ALL PARTIES AND THEIR**
2 **ATTORNEYS OF RECORD HEREIN:**

3 Plaintiff Incorp Services, Inc. and Defendants Incsmart.biz, Inc., David Oliver, and
4 Michael Lasala (individually, a "Party" and collectively, the "Parties"), by and through their
5 counsel of record, hereby stipulate and agree as follows:

6 WHEREAS, Plaintiff filed its Motion for Issuance of an Order to Show Cause Why
7 Defendants Should Not Be Held in Contempt for Failure to Submit Sanctions Payment
8 ("Motion for OSC") on September 6, 2012 [D.E. #55];

9 WHEREAS, the Parties appeared before the Court on November 9, 2012, for a
10 hearing on Plaintiff's Motion for OSC;

11 WHEREAS, at the November 9 hearing, the Court continued the hearing on the
12 Motion for OSC to December 7, 2012;

13 WHEREAS, the Parties have agreed to allow Plaintiff to withdraw its Motion for
14 OSC without prejudice.

15 NOW, THEREFORE, it is hereby stipulated and agreed, by and among the Parties,
16 through their respective counsel, as follows:

- 17 1. Plaintiff Incorp Services, Inc.'s Motion for Issuance of an Order to Show
18 Cause Why Defendants Should Not Be Held in Contempt for Failure to Submit Sanctions
19 Payment is hereby WITHDRAWN without prejudice. The hearing set for December 7, 2012
20 is VACATED.

21 **IT IS SO STIPULATED.**

22 DATED: December 3, 2012

DATED: December 3, 2012

23 **KRONENBERGER ROSENFELD, LLP**

**THE LAW OFFICES OF MICHAEL G.
24 ACKERMAN**

25 By: s/Jeffrey M. Rosenfeld
26 Jeffrey M. Rosenfeld

By: s/ Michael G. Ackerman
Michael G. Ackerman

27 Attorneys for Plaintiff and Counter-
28 Defendant Incorp Services, Inc. and
Counter-Defendant Tennie Sedlacek

Attorney for Defendants Incsmart.biz, Inc.,
David Oliver, and Michael Lasala, and
Counter-Claimant Incsmart.biz, Inc.

ATTESTATION OF CONCURRENCE IN FILING

Pursuant to the General Order No. 45, section 45 X(B), for The United States District Court for the Northern District of California, I, Jeffrey M. Rosenfeld, hereby attest that the concurrence to the filing of this Stipulated Notice of Withdrawal of Motion for Order to Show Cause Without Prejudice has been obtained from Michael G. Ackerman, who has provided the conformed signature above.

s/ Jeffrey M. Rosenfeld
Jeffrey M. Rosenfeld



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