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8 Attorney for Plaintiffs
9 JAMES MCGIBNEY
10 VIAVIEW, INC

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

14 JAMES MCGIBNEY, an individual, and
15 VIAVIEW, INC, a corporation,
16 Plaintiffs,

17 vs.

18 THOMAS RETZLAFF, an individual,
19 NEAL RAUHAUSER, an individual,
20 LANE LIPTON, an individual, and
21 DOES 1-5, individuals whose true names are not
22 known,
23 Defendants.

24) Case No.: 5:14-cv-01059 BLF

25) **JOINT STIPULATION AND ~~PROPOSED~~**
26) **ORDER EXTENDING TIME TO RESPOND**
27) **TO DEFENDANT LIPTON'S MOTION TO**
28) **DISMISS AND MOTION TO STRIKE**

29 Plaintiff James McGibney, an individual, and ViaView, Inc., a corporation (collectively,
30 "Plaintiffs"), together with Defendant Lane Lipton ("Defendant"), by and through counsel (collectively,
31 the "Parties"), submit the following joint stipulation and proposed order pursuant to Local Rule 6-2. In
32 support thereof, Plaintiffs' counsel Jason S. Leiderman declares as follows:

33 1. In response to the Complaint in this case, Defendant Lane Lipton filed a Motion to Dismiss and a
34 Special Motion to Strike Pursuant to Cal. Civ. Proc. Sec. 425.16 on July 3, 2014 ("Pending Motions").

1 (See Docket Nos. 15, 16.) The hearing date for the Pending Motions is set for September 18, 2014.
2 Plaintiffs' response to the Pending Motions is set for July 17, 2014.

3 2. Plaintiffs' counsel was out of the country from June 4, 2014 until July 8, 2014. The month-long
4 hiatus has created a backlog of work not just in this case, but other cases in which counsel is attorney of
5 record.

6 3. On July 10, 2014, Plaintiffs' counsel conferred with Defendant's counsel regarding an extension
7 of time to respond to the Pending Motions. Defendant's Counsel has agreed to extend the response date
8 for the Pending Motions two weeks to July 31, 2014..

9 4. The court has not modified any other time limits in this case to this date.

10 5. The court has scheduled a case management conference for November 20, 2012, with a case
11 management statement due a week prior. (See Docket No. 14.)

12 6. Extending the time to respond to Defendant's motions does not affect the court's case
13 management schedule or any other schedule set by the court.

14 7. This stipulation shall not be considered a waiver of any claims or defenses of either party.
15

16 THEREFORE, the parties request the court accept the parties' stipulation and enter an Order
17 extending Plaintiffs' time to respond to Defendant's motions until July 31, 2014.
18

19 Dated: 10 July 2014

LAW OFFICES OF JAY LEIDERMAN

20
21 By: /s/ Jay Leiderman
22 Jason S. Leiderman
23 Attorney for Plaintiffs
24 James McGibney
25 ViaView, Inc.
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Dated: 10 July 2014

BRAUNSTEIN & BRAUNSTEIN, P.C.

By: /s/ Clark Anthony Braunstein
Clark Anthony Braunstein
Attorney for Defendant Lane Lipton
clarkbraunstein@gmail.com

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Dated: 10 July 2014

LAW OFFICE OF ROBERT S. GIOLITO

By: /s/ Robert S. Giolito
Robert S. Giolito
Attorney for Defendant Lane Lipton
rgiolito@giolitolaw.com

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 16, 2014


HONORABLE BETH LABSON FREEMAN
UNITED STATES DISTRICT JUDGE