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8 Attorneys for Plaintiff Payoda, Inc.

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN JOSE DIVISION**

12 PAYODA, INC., a New York corporation,

13 Plaintiff,

14 v.

15 PHOTON INFOTECH, INC., a California
16 corporation,

17 Defendant.

Case No. 5:14-CV-04103-BLF

STIPULATION AND ~~PROPOSED~~ ORDER
MODIFYING BRIEFING SCHEDULE ON
MOTION TO DISMISS UNDER RULE 12(B)(6)
AND 12(B)(7)

Date: March 5, 2015

Time: 9:00 a.m.

Courtroom: 3, 5th Floor

Before the Hon. Beth Labson Freeman

18 Pursuant to Civil L.R. 6-2(a), counsel hereby make a stipulated request to grant Plaintiff
19 Payoda, Inc. ("Payoda") an additional two weeks to file its Opposition to the pending Motion to
20 Dismiss filed by Defendant Photon Infotech, Inc. ("Photon") and to further grant Photon an
21 additional one week to file its Reply and additional time to file an anti-SLAPP Motion, if necessary.
22 The parties' particular reasons for making this stipulated request are as follows:

- 23 1. Due to the trial schedule of Photon's counsel, Payoda previously granted Photon an
24 additional two weeks to file its response to Payoda's complaint in this matter;
- 25 2. Due to the trial schedule of Payoda's counsel, Photon's counsel wishes to return the
26 professional courtesy by granting Payoda an additional two weeks to files its opposition to Photon's
27 Motion to Dismiss;
- 28 3. While the hearing on Photon's motion was previously set for December 2, 2014

1 before Hon. Paul S. Grewal, the hearing was continued to March 5, 2014 when the matter was
2 reassigned to Hon. Beth Labson Freeman. Accordingly, the proposed modification will not
3 materially impair the Court's time to review the parties' Opposition and Reply papers.

4 4. The California anti-SLAPP statute states that a "special motion may be filed within
5 60 days of the service of the complaint or, in the court's discretion, at any later time upon terms it
6 deems proper." Cal. Civ. Proc. Code § 425.16(f) (2014). In light of the issues raised in Photon's
7 Motion to Dismiss and this request for additional time as to the Opposition, the Parties agree that
8 good cause exists to extend the time for Photon to file an anti-SLAPP motion (if any) until
9 December 3, 2014.

10 Other than the previously described extension of Photon's response deadline, there have
11 been no other previous time modifications in this case. For the reasons stated above, the requested
12 time modification would have no effect on the schedule for this case.

13 Dated: November 3, 2014

LAW OFFICES OF CRAIG HANSEN

14 By: /s/ Craig Alan Hansen
15 Craig Alan Hansen

16 Attorney for Plaintiff
17 PAYODA, INC.

18 Dated: November 3, 2014

COMPUTERLAW GROUP LLP

19 By: /s/ Christopher Sargent
20 Christopher Sargent

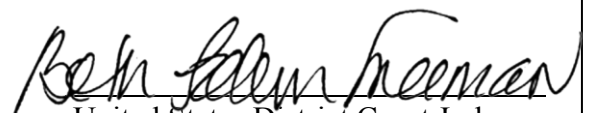
21 Attorneys for Defendant
22 PHOTON INFOTECH, INC.

23 **PROPOSED ORDER**

24 PURSUANT TO STIPULATION OF THE PARTIES, AND GOOD CAUSE APPEARING,
25 IT IS SO ORDERED.

26 Payoda may have until November 19, 2014 to file its Opposition papers. Photon may have
27 until December 3, 2014 in which to file its Reply and until December 3, 2014 to file its anti-SLAPP
28 motion, if any.

Dated: November 3, 2014


United States District Court Judge