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United States Courts  
Southern District of Texas  
FILED

AUG 29 2008

Michael N. Milby, Clerk of Court

9 Attorneys for Defendant THOUGHT CONVERGENCE, INC.

10 UNITED STATES DISTRICT COURT

11 SOUTHERN DISTRICT OF TEXAS

12 HEARTBRAND BEEF, INC.

13 Plaintiff,

14 vs.

15 LOBEL'S OF NEW YORK, LLC,  
16 WORLDWIDE MEDIA, INC.,  
THOUGHT CONVERGENCE, INC., &  
17 YAHOO! INC.

18 Defendants

CASE NUMBER: 6:08-CV-00062

**STIPULATION FOR EXTENSION OF TIME  
FOR DEFENDANTS TO RESPOND TO  
COMPLAINT, [PROPOSED] ORDER**

The Hon. John D. Rainey

19  
20 WHEREAS, Heartbrand Beef, Inc. ("Heartbrand"), Plaintiff in this litigation, served a Summons  
21 and Amended Complaint upon Defendants Lobel's of New York, LLC, et al., including Thought  
22 Convergence, Inc. ("Thought Convergence"), on August 6, 2008 requiring Defendants to file a  
23 responsive pleading by August 26, 2008;

24 WHEREAS, on August 20, 2008, Heartbrand, through its counsel of record, Ted D. Lee, agreed  
25 to extend the time for Thought Convergence to respond to this complaint to and including September 5,  
26 2008 to allow possible settlement negotiations;

27 WHEREAS, the parties are not aware of any exigent circumstances attendant to this proceeding  
28 that would justify the Court withholding its approval of this Stipulation. Further, the parties agree that

1 they will not be prejudiced by the Court's issuing an Order approving this Stipulation.

2 ///

3 IT IS SO STIPULATED.

4

5 Dated: August 28, 2008

6

7

s/ TED D. LEE

TED D. LEE

Attorneys for Plaintiff HEARTBRAND BEEF,  
INC.

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10 Dated: August 28, 2008

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GEORGE A. YUHAS

Attorneys for Defendant THOUGHT  
CONVERGENCE, INC.

*Not Yet Admitted*

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Orrick attests that all signatures for electronic filing herein are included by permission.

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**[PROPOSED] ORDER**

18

PURSUANT TO STIPULATION AND FOR GOOD CAUSE SHOWN:

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IT IS HEREBY ORDERED that the date by which Defendants must file a responsive pleading is

20

September 5, 2008.

21

22

IT IS SO ORDERED:

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Dated: August \_\_, 2008

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26

THE HONORABLE JOHN D. RAINEY

Judge, Southern District of Texas

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1 **PROOF OF SERVICE**

2 I am more than eighteen years old and not a party to this action. My business  
3 address is Orrick, Herrington & Sutcliffe LLP, 405 Howard Street, San Francisco, CA 94105.

4 On August 28, 2008, I served the following document(s):

5 STIPULATION FOR EXTENSION OF TIME FOR DEFENDANTS TO  
6 RESPOND TO COMPLAINT; [PROPOSED] ORDER

7 on the interested parties in this action by placing true and correct copies thereof in sealed  
8 envelope(s) addressed as follows:

9 Randolph Wolfe  
10 100 N. Tampa Street, Suite 2700  
Tampa, FL 33602-2320

Steve Fraum  
Lobel's of New York, LLC  
774 Jay Street  
Rochester, NY 14611-1339

11 C.T. Corporation System  
12 818 W. 7th Street  
Los Angeles, CA 90017

13 Lobel's of New York, LLC  
14 19 The Crossing  
Purchase, NY 10577

15 I am employed in the county from which the mailing occurred. On the date  
16 indicated above, I placed the sealed envelope(s) for collection and mailing at this firm's office  
17 business address indicated above. I am readily familiar with this firm's practice for the  
18 collection and processing of correspondence for mailing with the United States Postal Service.  
19 Under that practice, the firm's correspondence would be deposited with the United States Postal  
20 Service on this same date with postage thereon fully prepaid in the ordinary course of business.

21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed on August 28, 2008, at San Francisco, California.

23  
24 

25 \_\_\_\_\_  
26 Maria Ticzon  
27  
28