

ORIGINAL

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United States Courts
Southern District of Texas
FILED

SEP 05 2008

Michael N. Milby, Clerk of Court

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;

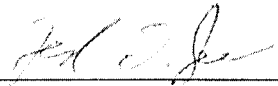
24 WHEREAS, on August 29, 2008, Heartbrand, through its counsel of record, Ted D. Lee, agreed
25 to extend the time for Thought Convergence to respond to this complaint to and including October 6,
26 2008 to allow possible settlement negotiations;

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

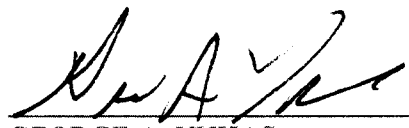
1 they will not be prejudiced by the Court's issuing an Order approving this Stipulation.

2 IT IS SO STIPULATED.

3
4 Dated: September 2, 2008

5 
6 _____
7 TED D. LEE
8 Attorneys for Plaintiff HEARTBRAND BEEF,
9 INC.

10 Dated: September 2, 2008

11 
12 _____
13 GEORGE A. YUHÁS
14 Attorneys for Defendant THOUGHT
15 CONVERGENCE, INC.
16 *Not Yet Admitted*

17 **[PROPOSED] ORDER**

18 PURSUANT TO STIPULATION AND FOR GOOD CAUSE SHOWN:

19 IT IS HEREBY ORDERED that the date by which Defendants must file a responsive pleading is
20 October 6, 2008.

21 IT IS SO ORDERED:

22 Dated: September __, 2008

23
24 _____
25 THE HONORABLE JOHN D. RAINEY
26 Judge, Southern District of Texas

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 September 4, 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
10 Randolph Wolfe
11 100 N. Tampa Street, Suite 2700
Tampa, FL 33602-2320

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

12 C.T. Corporation System
13 818 W. 7th Street
14 Los Angeles, CA 90017

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

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

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

23 Executed on September 4, 2008, at San Francisco, California.

24
25 
26 Maria Ticzon