

Alan L. Sullivan (3152)
Todd M. Shaughnessy (6651)
J. Elizabeth Haws (11667)
Snell & Wilmer L.L.P.
15 West South Temple, Suite 1200
Beneficial Tower
Salt Lake City, Utah 84101-1004
Telephone: (801) 257-1900
Facsimile: (801) 257-1800

Mark Lambert (Cal. Bar No. 197410)
Mark Weinstein (Cal Bar No. 193043)
Cooley Godward Kronish, LLP
Five Palo Alto Square
Palo Alto, California 94306-2109
Telephone: (650) 843-5003

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

PUBLIC ENGINES, INC., a Delaware
Corporation,

Plaintiff,

vs.

REPORTSEE, INC., a Delaware
Corporation,

Defendant.

**STIPULATION AND JOINT MOTION TO
MODIFY SCHEDULING ORDER AND
EXTEND DEADLINES FOR PENDING
MOTIONS**

Case No. 2:10-cv-317

Honorable Tena Campbell

Plaintiff Public Engines, Inc. (“Public Engines”) and Defendant ReportSee, Inc. (“ReportSee”), through counsel, hereby stipulate and jointly move the Court for entry of an order vacating certain deadlines in the current Scheduling Order and extending the time for briefing

currently pending motions to facilitate the settlement of this matter.

The parties have agreed upon the general terms of a settlement in this case but need until December 1, 2010, to complete that settlement. Under the current scheduling order, however, fact discovery cutoff is December 1, 2010, and the deadline for Plaintiff's expert reports is December 8, 2010. Additionally, there are two motions currently pending, Plaintiff's Motion for Leave to File First Amended Complaint (Docket No. 55), and Defendant's Motion to Compel Discovery (Docket No. 57). In an effort to facilitate settlement, and to avoid incurring unnecessary costs and expenses, the parties have agreed to stay all discovery in this matter and jointly request that the Court:

1. Vacate the December 1, 2010, deadline for completion of fact discovery;
2. Vacate the December 8, 2010, deadline for Plaintiff's expert reports;
3. Extend the deadline for responding to Plaintiff's Motion for Leave to File First Amended Complaint to December 15, 2010; and
4. Extend the deadline for responding to Defendant's Motion to Compel Discovery to December 15, 2010.

The parties anticipate that by December 2, 2010, they will be in a position to submit dismissal papers to the Court. In the event settlement fails, the parties agree to promptly confer and submit to the Court a revised schedule for the completion of fact and expert discovery so the case is ready for trial by May 31, 2011, the currently-scheduled trial date.

Appended hereto is a proposed form of order confirming the foregoing stipulation, and the parties jointly request that it be entered by the Court.

//
//
//
//

Dated this 9th day of November, 2010.

SNELL & WILMER L.L.P.

/s/ Todd M. Shaughnessy
Attorneys for Plaintiff

BOWIE & JENSEN, LLC

/s/ Joshua A. Glikin
(signed with permission)
Joshua A. Glikin
Attorney for Defendant

Certificate of Service

I certify that on the 9th day of November, 2010, a true and correct copy of the Stipulation and Joint Motion to Modify Scheduling Order and Extend Briefing Deadlines has been served on the following individuals via ECF:

Walter E. Diercks
wdiercks@rwdhc.com

Joshua A. Glikin
glikin@bowie-jensen.com

Jeffrey J. Hunt
jhunt@parrbrown.com

David C. Reymann
dreymann@parrbrown.com

/s/ Todd M. Shaughnessy