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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA

20 KENTWOOL COMPANY,

Case No. 14-cv-05264-JST

21 Plaintiff,

**JOINT STIPULATION FOR AND
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE
DATE TO APRIL 22, 2015, AT 2 P.M.**

22 v.

23 NETSUITE INC.,

24 Defendants.

26 Plaintiff KENTWOOL COMPANY ("Kentwool") and defendant NETSUITE INC.

27 ("Netsuite"), by and through their counsel of record, hereby stipulate that the Court may enter
28 an order advancing the Case Management Conference in this action from March 18, 2015, at 2

1 P.M., to Wednesday, April 22, 2015, at 2 P.M., or such other date as may be convenient to the
2 Court. The parties believe there is good cause for the Court to enter such an order, for the
3 following reasons:

4 The Case Management Conference (“CMC”) in this matter was initially set by the
5 Court for March 4, 2015, at 2 P.M. Counsel for Netsuite advised that Netsuite was filing a
6 motion to dismiss the Complaint, with a hearing date of February 12, 2015. On January 5,
7 2015, the parties, by stipulation, proposed to the Court that the CMC date be advanced to
8 February 12, 2015, to consolidate the CMC with the hearing on Netsuite’s motion to dismiss.
9 By an Order dated January 8, 2015, the Court denied that joint request.

10 On February 10, 2015, by the Clerk’s Order the CMC was continued to March 18,
11 2015, with the Joint CMC Statement due March 4, 2015.

12 On February 12, 2015, the parties appeared and argued Netsuite’s Motion to Dismiss,
13 which the Court took under submission.

14 On February 18, 2015, the Court filed its Order, granting in part, and denying in part,
15 Netsuite’s motion to dismiss. As to certain claims, the Court granted Kentwool 30 days’ leave
16 to file an amended complaint. Accordingly, Kentwool now has to and including March 20,
17 2015, to file an amended complaint.

18 The parties have conducted their Rule 26(f) conference, have met and conferred
19 concerning a Joint CMC Statement, have set a date for Initial Disclosures, and have exchanged
20 preliminary views about potential resolution of this action. However, counsel for the parties
21 jointly believe that a CMC on March 18, 2015 would be premature, in that the pleadings in this
22 action will not have been settled. Kentwool intends to amend its claims for fraud to comply
23 with the Court’s Order, and counsel for Netsuite is not at this juncture certain whether Netsuite
24 would respond with another motion to dismiss those amended fraud claims – review of the
25 amended complaint would be required to determine this, but any such review will not be
26 possible prior to the March 18, 2015 CMC conference, because the amended complaint will not
27 be served and filed until March 20, 2015, two days after the currently set CMC. Moreover,
28

1 when the pleadings are settled, the parties will be a better position to assess the case and to
 2 discuss with the Court resolution of the action, and how best to accomplish such a resolution.

3 For the foregoing reasons, Counsel for Kentwool and counsel for Netsuite jointly
 4 suggest to the Court that the current CMC date be continued to a Wednesday, April 22, 2015, at
 5 2 PM, or such other date as may be convenient to the Court, with a corresponding continuing of
 6 the date for filing of the Joint CMC Statement to ten court days before the continued CMC.
 7 Accordingly, plaintiff Kentwool and defendant Netsuite respectfully ask the Court to enter the
 8 requested order, submitted herewith.

9 Dated: February 25, 2015

DILLINGHAM & MURPHY, LLP
 WILLIAM M. MURPHY, ESQ.
 TAYLOR F. FORD

14 Dated: February 25, 2015

GATTEY LAW OFFICE
 SCOTT GATTEY, ESQ.

16 By: /s/ Scott Gattey

17 Attorneys for Defendant Netsuite Inc.

20 ORDER

21 The Court, having reviewed for preceding Stipulation, and good cause appearing,
 hereby ORDERS that the Case Management Conference in this action, previously set for
 22 March 18, 2015, at 2 P.M., is hereby continued to April 22, 2015, at 2 P.M.
 The parties are further ordered to submit a Joint Case Management Conference Statement no
 24 less than ten (10) court days prior to continued Case Management Conference date.

25 Dated: February 27, 2015.

