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7 SHINGLE SPRINGS BAND OF MIWOK INDIANS

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9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 SHINGLE SPRINGS BAND OF MIWOK  
12 INDIANS,

13 Plaintiff,

14 v.

15 CESAR CABALLERO,

16 Defendant.

CASE NO. 2:08-CV-03133-JAM-DAD

**STIPULATION AND [PROPOSED]  
ORDER STAYING THE ACTION**

17 Plaintiff Shingle Springs Band of Miwok Indians, a sovereign Indian tribe formally  
18 recognized by the United States, and defendant Cesar Caballero, by and through their counsel of  
19 record, hereby stipulate and agree as follows, and respectfully request that the Court approve and  
20 give effect to their stipulation:

21 WHEREAS, the Court issued its *Status (Pre-trial Scheduling) Order* on June 8, 2009,  
22 setting various deadlines for this action;

23 WHEREAS, the parties have recently initiated discussions that they believe may lead to  
24 settlement of this action;

25 WHEREAS, Mr. Caballero and the Tribe have agreed to negotiate in good faith to attempt  
26 to reach a settlement of this action;

1 WHEREAS, the parties believe that a three-month stay of this action, including  
2 continuance of a pending hearing regarding the Tribe's discovery requests, would facilitate  
3 settlement efforts;

4 WHEREAS, the parties agree that a stay to facilitate settlement shall not constitute delay  
5 or waiver of, or in any way prejudice, the Tribe's motion to compel Mr. Caballero to produce  
6 documents;

7 WHEREAS, the parties would like to make arrangements for the orderly resumption of the  
8 action, in case they are unable to agree to a negotiated settlement;

9 WHEREAS, since filing its First Amended Complaint, the Tribe has discovered additional  
10 conduct by Caballero upon which it desires to seek relief in this action;

11 WHEREAS, in the case that settlement efforts are unsuccessful, the parties agree that  
12 judicial economy supports resolving all disputes relating to their trademark claims and associated  
13 rights in this single action;

14 WHEREAS, the parties wish to avoid unnecessary motion practice; and

15 WHEREAS, if the parties are unable to settle the action, the parties do not believe that the  
16 Tribe's proposed Second Amended Complaint would unduly delay the resolution of the action;

17 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the parties  
18 that:

- 19 1. The hearing on the Tribe's motion to compel further responses to document  
20 requests, set for hearing on June 4, 2010, before the Honorable Dale A. Drozd, is  
21 continued to September 3, 2010, or as soon thereafter as is convenient for the  
22 Court;
- 23 2. The Tribe's motion for leave to file a Second Amended Complaint, set for hearing  
24 on July 7, 2010, before the Honorable John A. Mendez is taken off calendar;
- 25 3. The Tribe may file a Second Amended Complaint no later than August 30, 2010;
- 26 4. Mr. Caballero's answer to the Second Amended Complaint shall be filed no later  
27 than September 30, 2010;
- 28 5. The deadlines previously set by the Court in this action are modified as follows:

Event	Previous Date	New Date
Last Day To Complete Discovery	August 27, 2010 (per order filed April 19, 2010)	November 29, 2010
Last Day To File Dispositive Motions	September 22, 2010	December 22, 2010
Hearing on Dispositive Motions	October 20, 2010, 9:00 a.m.	January 19, 2011, 9:00 a.m. (or as convenient for the Court)
Last Day To File Joint Pretrial Statement	November 24, 2010	February 23, 2011
Final Pretrial Conference	December 3, 2010, 3:00 p.m.	March 4, 2011, 3:00 p.m. (or as convenient for the Court)
Trial Date	January 24, 2011, 9:00 a.m.	April 25, 2011, 9:00 a.m. (or as convenient for the Court)

IT IS SO STIPULATED.

Dated: May \_\_, 2010

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

By                      /s/ Ian R. Barker  
IAN R. BARKER

Attorneys for Plaintiff  
SHINGLE SPRINGS BAND OF MIWOK  
INDIANS

1 Dated: May 27 2010

BRAD CLARK ATTORNEY AT LAW

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4 By  /s/ Brad Clark  
BRAD CLARK

5 Attorney for Defendant  
6 CESAR CABALLERO

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ORDER

The parties having stipulated thereto and good cause appearing, IT IS HEREBY ORDERED THAT:

1. The hearing on the Tribe's motion to compel further responses to document requests, set for hearing on June 4, 2010, before the Honorable Dale A. Drozd, is continued to September 3, 2010.
2. The Tribe's motion for leave to file a Second Amended Complaint, set for hearing on July 7, 2010, before the Honorable John A. Mendez is taken off calendar.
3. The Tribe may file a Second Amended Complaint no later than August 30, 2010.
4. Mr. Caballero's answer to the Tribe's Second Amended Complaint shall be filed no later than September 30, 2010.
5. The deadlines previously set by the Court in this action are modified as follows:

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DATED: \_\_\_\_\_

\_\_\_\_\_  
 Honorable John A. Mendez  
 United States District Court Judge