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6 Attorneys for Plaintiff
7 XIMPLEWARE CORP.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

11 **XimpleWare Corp.**, a California
12 Corporation,

13 Plaintiff;

14 v.

15 **Versata Software, Inc., f/k/a Trilogy**
Software, Inc., a Delaware corporation;
16 **Trilogy Development Group, Inc.**, a
California corporation; **Ameriprise**
17 **Financial, Inc.**, a Delaware corporation;
Ameriprise Financial Services, Inc., a
18 Delaware corporation; **Aurea Software, Inc.,**
a/k/a Aurea, Inc., a Delaware corporation;
19 **Pacific Life Insurance Company**, a
Nebraska corporation; **United HealthCare**
20 **Services, Inc.**, a Minnesota corporation;
Metropolitan Life Insurance Company, a
21 New York corporation; **The Prudential**
Insurance Company of America, a New
22 Jersey corporation; **Wellmark, Inc.**, an Iowa
corporation, **Waddell & Reed Financial,**
23 **Inc.**, a Delaware corporation; and **Aviva USA**
Corporation, an Iowa corporation,

24 Defendants.
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Case No. 5:13-cv-05161 PSG

**STIPULATION AND [PROPOSED] ORDER TO
CONTINUE HEARING ON DEFENDANTS AVIVA
USA CORP.'S, METROPOLITAN LIFE INS.
CO.'S, PACIFIC LIFE INSURANCE CO.'S, AND
WELLMARK INC.'S MOTION FOR SANCTIONS
UNDER FED. R. CIV. P. RULE 11.**

Date: December 2, 2014
Time: 10:00 A.M.
Location: Courtroom 5-4th Floor
Judge: Hon. Paul S. Grewal

1 **STIPULATION TO CONTINUE HEARING DATE**

2 This Stipulation is entered into by Plaintiff XimpleWare, Corp. and Defendants United
3 Healthcare Services, Inc., Waddell and Reed Financial, Inc., Pacific Life Insurance Co., The
4 Prudential Insurance Company of America, Wellmark, Inc., Aviva USA Corp., Versata Software,
5 Inc., Trilogy Development Group, Inc., and Aurea Software, Inc., by their respective counsel.

6 **RECITALS**

7 WHEREAS Defendants Aviva USA Corp.'s, Metropolitan Life Ins. Co.'s, Pacific Life
8 Insurance Co.'s, and Wellmark Inc.'s Motion for Sanctions Under Fed. R. Civ. P. Rule 11 (Dkt.
9 130, 141) is currently specially set for hearing in the U.S. District Court of the Northern District
10 of California for December 2, 2014 at 9:00 A.M.

11 WHEREAS Jack Russo, counsel for Plaintiffs, will be unavailable on December 2, 2014;
12 Mr. Russo's father passed away this week and Mr. Russo will be in Florida with his family on the
13 week of December 2, 2014.

14 WHEREAS the parties jointly request that the motion hearing date be reset to December
15 9, 2014 at 9:00 A.M.

16 THEREFORE, counsel for the above mentioned parties stipulate to continue the date of
17 hearing on Defendants Aviva USA Corp.'s, Metropolitan Life Ins. Co.'s, Pacific Life Insurance
18 Co.'s, and Wellmark Inc.'s Rule 11 Motion for Sanctions, currently set for December 2, 2014 at
19 9:00 A.M., to December 9, 2014 at 9:00 A.M.

20 IT IS SO STIPULATED.
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COMPUTERLAW GROUP, LLP

Dated: November 25, 2014

By: /s/ Christopher Sargent
Jack Russo
Christopher Sargent

Attorneys for Plaintiff
XIMPLEWARE CORP.

AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING, P.C.

Dated: November 25, 2014

By: /s/ Benjamin F. Foster
Alisa Lipski
Amir Alavi
Benjamin F. Foster

Attorneys for Defendants
PACIFIC LIFE INS., CO.
METROPOLITAN LIFE INS., CO.
WELLMARK, INC.
THE PRUDENTIAL INS. COMPANY OF
AMERICA
AVIVA USA, CORP.
VERSATA SOFTWARE, INC.
TRILOGY DEVELOPMENT GROUP, INC.
AUREA SOFTWARE, INC.

[PROPOSED] ORDER

IT IS ORDERED that the hearing on Defendants Aviva USA Corp.'s, Metropolitan Life Ins. Co.'s, Pacific Life Insurance Co.'s, and Wellmark Inc.'s Motion for Sanctions under Fed. R. Civ. P. Rule 11 be continued to December 9, 2014 at 10:00 A.M.

Dated: _____

The Honorable Paul S. Grewal
United States Magistrate Judge

ATTORNEY ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from the signatory indicated by a ‘conformed’ signature (/s/) within this e-filed document.

Dated: November 25, 2014

/s/ Christopher Sargent
Christopher Sargent