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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

XIMPLEWARE CORP.,

Plaintiff,

v.

VERSATA SOFTWARE, INC. F/K/A
TRILOGY SOFTWARE, INC.; TRILOGY
DEVELOPMENT GROUP, INC.;
AMERIPRISE FINANCIAL, INC.;;
AMERIPRISE FINANCIAL SERVICES, INC.,
AUREA SOFTWARE, INC. A/K/A AUREA,
INC.;; PACIFIC LIFE INS. CO; UNITED
HEALTHCARE SERVICES, INC.;;
METROPOLITAN LIFE INS. CO.; THE
PRUDENTIAL INS. CO. OF AMERICA;
WELLMARK, INC.; WADDELL & REED
FINANCIAL, INC.; AND AVIVA USA CORP.,

Defendants.

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

**DECLARATION IN SUPPORT OF JOINT
STIPULATION TO CONTINUE STATUS
CONFERENCE**

Date: April 23, 2015

Time: 10:00 a.m.

Location: Courtroom 5-4th Floor

Judge: Hon. Paul S. Grewal

1 I, Steven Mitby, under penalty of perjury, hereby declare as follows:

2 1. I am an attorney at Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing P.C., and
3 represent Defendants Versata Software, Inc., Trilogy Development Group, Inc., Aurea Software,
4 Inc., Pacific Life Insurance Co., Metropolitan Life Insurance Company, Aviva USA Corp., and
5 Wellmark, Inc. in this matter. I am over eighteen years of age and am fully competent to make this
6 declaration.

7 2. On February 10, 2015, Plaintiff filed a Notice of Settlement stating that the parties
8 anticipated that they would jointly execute a dismissal with prejudice later in the month of February
9 following the execution of formal documents among and between the parties. (Dkt. 180.)

10 3. On February 11, 2015, the Court denied the pending motions without prejudice
11 and set a status conference for March 10, 2015 to be held in the event that the case had not yet
12 been dismissed. (Dkt. 181.) The Court reset the date of that status conference to March 17, 2015.
13 (Dkt. 182.)

14 4. On March 13, 2015, the Parties filed a Stipulation to Continue the March 17, 2015
15 Status Conference. (Dkt. 183). The Court reset the date of the status conference to April 23, 2015.
16 (Dkt. 186.)

17 5. The parties are working in good faith to resolve all outstanding issues in this case
18 and believe that they will be able to finalize settlement agreements within twenty-one days of April
19 23, 2015.

20 6. There have been several time modifications in this matter. (Dkts. 29, 37, 80–83,
21 109, 112, 113, 141, 143–145, 161, 170 & 181.) The date for this status conference has been
22 changed twice, by the Court, as mentioned above. (See Dkt. 182 and DKT. 186.)

23 7. There are no deadlines set following the status conference and the requested
24 modification in the accompanying joint stipulation affects only the date of that status conference.

25 Dated: April 22, 2015

26 /s/ Steven Mitby
27 Steven Mitby