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25 NAME INTELLIGENCE, INC., JAY WESTERDAL,  
26 PER WESTERDAL and RAY BERO

27 UNITED STATES DISTRICT COURT  
28 CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

THOUGHT CONVERGENCE, INC., a  
Delaware Corporation and NAME  
INTELLIGENCE, LLC, a Delaware  
limited liability company,

Plaintiffs,

v.

JAY WESTERDAL, an individual;  
PER WESTERDAL, an individual;  
RAY BERO, an individual;  
CAMERON JONES, an individual;  
NAME INTELLIGENCE, INC., a  
Washington corporation; and  
DOTMOVIE, an unknown entity,

Defendants.

Case No. CV 09-3088-R(AJWx)

**DECLARATION OF THE HON.  
GEORGE P. SCHIAVELLI IN  
SUPPORT OF JOINT STIPULATION  
FOR BRIEF EXTENSION OF  
DEADLINES AND TRIAL**

Judge: Hon. Manuel L. Real

Magistrate: Hon. Andrew J. Wistrich

**DECLARATION OF GEORGE P. SCHIAVELLI**

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2 I, George P. Schiavelli , U.S. Dist. Judge (Ret.), declare:

3 1. The facts set forth herein are personally known to me, and I have  
4 personal knowledge thereof. If called upon to do so, I could and would testify  
5 competently to them under oath. I am currently a neutral case mediator/arbitrator  
6 associated with JAMS and have been so employed since 2008.

7 2. In my capacity as a JAMS neutral, I was engaged by Plaintiffs and  
8 Counterdefendants Thought Convergence, Inc. and Name Intelligence, LLC  
9 (“Plaintiffs and Counterdefendants”) and Defendants and Counterclaimants Jay  
10 Westerdal and Name Intelligence, Inc. and Defendants Per Westerdal and Ray Bero  
11 (“Defendants and Counterclaimants” and collectively with Plaintiffs and  
12 Counterdefendants, the “Parties”) to mediate the dispute between them.

13 3. The Parties participated in a full day of mediation before me on  
14 Wednesday, January 6, 2010.

15 4. It is not my normal practice to insinuate myself in the litigation of the  
16 cases in which I act as a mediator, and, of course, I will not comment here on the  
17 substance of the mediation proceedings. However, I am filing this document  
18 because, during the mediation, I found The Parties’ counsel to be exceptionally  
19 realistic concerning the strengths and weaknesses of the case and able to work well  
20 to seek resolution. Indeed, counsel indicated that amended pleadings will be filed  
21 during the week of January 11 which will narrow the issues and claims.

22 5. Though the case did not settle, I believe the Parties made substantial  
23 progress identifying the issues and obstacles to settlement and seeking solutions to  
24 them. I agree with the parties that further discrete discovery is needed on key issues  
25 before a further attempt to reach resolution would be practical.

26 6. I believe that the Parties can complete the requisite discovery in a short  
27 period of time and that there is a greater potential for resolution if that discovery is  
28 conducted without the pressure of undertaking trial preparation pursuant to the

1 currently scheduled trial date. If I did not feel that the competence and  
2 professionalism of counsel and their clients make settlement a realistic possibility, I  
3 would not submit this Declaration. On the other hand, I do not wish to mislead the  
4 Court, so I want to make clear that I am not promising a resolution will be reached  
5 but believe that, if settlement is possible, these Parties will accomplish it.

6 7. The Parties have scheduled a second mediation session with me on  
7 January 27, 2010.

8 8. For the above reasons, I urge the Court to grant the Parties' stipulation  
9 to seek a short continuance of the discovery period, pretrial deadlines, and trial date  
10 by 30 days or such other period as is convenient to the Court's calendar.

11 I declare under penalty of perjury, under the laws of the United States of  
12 America, that the foregoing is true and correct.

13 Executed this 11th day of January, 2009, at Los Angeles, California.

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16 Hon. George P. Schiavelli  
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