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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

1 **DECLARATION OF GEORGE P. SCHIAVELLI**

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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