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12 Attorneys for Plaintiff and Counterdefendant E. & J. Gallo Winery
13 and Counterdefendants Ecco Domani USA, Inc. and Tequila Supremo, S.A. de C.V.

14 **UNITED STATES DISTRICT COURT**
15 **EASTERN DISTRICT OF CALIFORNIA**
16 **FRESNO DIVISION**

17 E. & J. GALLO WINERY, a California
corporation,
18 **Plaintiff,**
19 v.
20 PROXIMO SPIRITS, INC., a Delaware
corporation; AGAVERA CAMICHINES, S.A.
21 DE C.V., a Mexico corporation; and DOES 1-25,
22 **Defendants.**

Case No. 1:10-CV-00411 LJO JLT

**STIPULATION AND ORDER RE
BRIEFING OF MOTIONS FOR
SUMMARY JUDGMENT**

Hearing Date: January 24, 2012
Time: 8:30 a.m.
Before: Hon. Lawrence J. O'Neill

23
24 **AND RELATED COUNTERCLAIMS**
25

26 Plaintiff and Counterdefendant E. & J. Gallo Winery (“Gallo”), Counterdefendants Tequila
27 Supremo, S.A. de C.V. and Ecco Domani USA, Inc. (collectively, “Counterdefendants”), and

1 Defendants and Counterclaimants Proximo Spirits, Inc. (“Proximo”) and Agavera Camichines, S.A.
2 de C.V. (“Agavera Camichines”) (collectively, “Counterclaimants”), through their respective
3 counsel, hereby stipulate as follows:

4 WHEREAS the parties filed motions for summary judgment on December 9, 2011, and

5 WHEREAS the parties’ papers opposing each others’ motions for summary judgment are
6 currently due on January 10, 2012, and

7 WHEREAS the parties agree that additional time to prepare reply briefs on the pending
8 motions would be beneficial to both sides, and both sides are willing to create that additional time,
9 while retaining the existing deadline for reply briefs, by advancing the filing date for opposition
10 papers.

11 NOW, THEREFORE, IT IS STIPULATED AND AGREED THAT

12 1. The parties’ papers opposing each others’ motions for summary judgment shall be
13 filed and served on January 6, 2011.

14 2. The deadline for the parties to file and serve their reply papers in further support of
15 their own motions for summary judgment shall be unchanged, i.e., it shall remain January 17, 2012.

16 Respectfully submitted,

17 DATED: December 29, 2011

McCORMICK BARSTOW LLP
D. GREGORY DURBIN

19 HARVEY SISKIND LLP
20 D. PETER HARVEY
21 NAOMI JANE GRAY
22 MATTHEW A. STRATTON
DONALD A. THOMPSON

23 By: /s/ D. Peter Harvey

24 Attorneys for Plaintiff,
25 E. & J. Gallo Winery

26 DATED: December 29, 2011

SIERRA IP GROUP
MARK D. MILLER

1 ABELMAN FRAYNE & SCHWAB
2 MICHAEL ASCHEN
3 ANTHONY A. COPPOLA

4 By: /s/ Anthony A. Coppola

5 Attorneys for Defendants,
6 Proximo Spirits, Inc., and
7 Agavera Camichines, S.A. de C.V..
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10 IT IS SO ORDERED.

11 Dated: January 4, 2012

12 /s/ Lawrence J. O'Neill
13 UNITED STATES DISTRICT JUDGE
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