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9 Attorneys for Defendants/Counterplaintiffs  
PROXIMO SPIRITS, INC., and  
10 AGAVERA CAMICHINES, S.A. DE C.V.

11 **UNITED STATES DISTRICT COURT**  
12 **EASTERN DISTRICT OF CALIFORNIA**  
13 **FRESNO DIVISION**

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

21  
22 **AND RELATED COUNTERCLAIMS**  
23  
24  
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Case No. 1:10-CV-00411 LJO JLT

**STIPULATION AND ORDER RE RE-  
SETTING THE DATE FOR THE  
SETTLEMENT CONFERENCE**

**Conference Date:** January 23, 2012

**Time:** 9:00 a.m.

**Before:** Hon. Jennifer L. Thurston

1 Defendants and Counterclaimants Proximo Spirits, Inc. (“Proximo”) and Agavera  
2 Camichines, S.A. de C.V. (“Agavera Camichines”) (collectively, “Counterclaimants”), and Plaintiff  
3 and Counterdefendant E. & J. Gallo Winery (“Gallo”), Counterdefendants Tequila Supremo, S.A. de  
4 C.V. and Ecco Domani USA, Inc. (collectively, “Counterdefendants”), through their respective  
5 counsel, hereby stipulate as follows:

6 WHEREAS a Settlement Conference has been presently scheduled in this matter for January  
7 23, 2012 at 9:00 a.m., and

8 WHEREAS scheduling conflicts have arisen for Counterclaimants’ counsel which will impact  
9 their ability to appear at the Settlement Conference as presently scheduled;

10 WHEREAS the parties have conferred with the Court to obtain an alternative date for the  
11 Settlement Conference to be held;

12 WHEREAS the parties’ trial counsel agree that they are available to appear at the Settlement  
13 Conference with principals if it is rescheduled to February 10, 2012.

14 NOW, THEREFORE, IT IS STIPULATED AND AGREED THAT

15 The Settlement Conference currently scheduled for January 23, 2012 at 9:00 a.m. shall be  
16 reset to February 10, 2012 at the same time and place.

17  
18 Respectfully submitted,

19 DATED: January 11, 2012

SIERRA IP GROUP  
MARK D. MILLER

21 ABELMAN FRAYNE & SCHWAB  
22 MICHAEL ASCHEN  
23 ANTHONY A. COPPOLA

24 By:  /s/ Anthony A. Coppola

25 Attorneys for Defendants,  
26 Proximo Spirits, Inc., and  
27 Agavera Camichines, S.A. de C.V.

1 DATED: January 11, 2012

McCORMICK BARSTOW LLP  
D. GREGORY DURBIN

2  
3 HARVEY SISKIND LLP  
D. PETER HARVEY  
4 NAOMI JANE GRAY  
MATTHEW A. STRATTON  
5 DONALD A. THOMPSON

6 By: /s/ D. Peter Harvey

7  
8 Attorneys for Plaintiff,  
E. & J. Gallo Winery

9  
10 **ORDER**

11 Based upon the foregoing and the telephonic conference held on January 9, 2012 and good  
12 cause appearing, the Court ORDERS:

13 1. The settlement conference currently set on January 23, 2012 is **CONTINUED** to  
14 February 10, 2012 at 10:00 a.m. in Courtroom 6 in Fresno, CA;

15 2. Counsel SHALL e-mail their confidential settlement conference statement that details  
16 the topics set forth at pages 5-6 of the scheduling order (Doc. 89), no later than five court days before  
17 the conference. In the event that the matter is not in a settlement posture by the time of the continued  
18 settlement conference, counsel SHALL file a joint statement in lieu of their confidential settlement  
19 conference statements setting forth whether the conference should be vacated or continued to another  
20 date.

21 IT IS SO ORDERED.

22 Dated: January 12, 2012

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE