

1 MARK D. MILLER 116349
SIERRA IP LAW, PC
2 6780 N. West Avenue, Suite 102
Fresno, California 93771
3 Phone: (559) 436-3800
4 Fax: (559) 436-4800

5 Michael Aschen (admitted *pro hac vice*)
Anthony A. Coppola (admitted *pro hac vice*)
6 ABELMAN FRAYNE & SCHWAB
666 Third Avenue
7 New York, New York 10017
Telephone: (212) 949-9022
8 Facsimile: (212) 949-9190

9 Attorneys for Defendants
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
corporation,
15 **Plaintiff,**
16 v.
17 PROXIMO SPIRITS, INC., a Delaware
corporation; AGAVERA CAMICHINES, S.A.
18 DE C.V., a Mexico corporation; and DOES 1-25,
19 **Defendants.**

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

**STIPULATION AND ORDER RE
BRIEFING OF MOTION FOR
ATTORNEYS FEES**

Hearing Date: June 26, 2012
Time: 9:00 a.m. (Bakersfield)
Before: Hon. Jennifer L. Thurston

20
21 **AND RELATED COUNTERCLAIMS**
22

23 Plaintiff and Counterdefendant E. & J. Gallo Winery (“Gallo”), Counterdefendants Tequila
24 Supremo, S.A. de C.V. and Ecco Domani USA, Inc. (collectively, “Counterdefendants”), and
25 Defendants and Counterclaimants Proximo Spirits, Inc. (“Proximo”) and Agavera Camichines, S.A.
26 de C.V. (“Agavera Camichines”) (collectively, “Counterclaimants”), through their respective
27 counsel, hereby stipulate as follows:
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WHEREAS Counterdefendants filed a motion for attorneys fees on May 2, 2012, and

WHEREAS the Counterclaimants' papers opposing the motion for attorneys' fees are currently due on May 21, 2012, and the hearing on the motion is currently scheduled for June 4, 2012, and

WHEREAS several scheduling conflicts currently exist with the current briefing and hearing schedule, and

WHEREAS the parties agree that additional time to prepare opposition and reply briefs and amend the hearing date on the pending motion would be helpful, and both sides are willing to create that additional time.

NOW, THEREFORE, IT IS STIPULATED AND AGREED THAT

1. Counterclaimants' papers opposing the motion for attorneys' fees shall be filed and served on June 4, 2012.
2. Counterdefendants' reply papers in further support of their motion for attorneys' fees shall be filed and served on June 18, 2012.
3. The hearing before the Court on the motion for attorneys' fees shall be heard on June 26, 2012 at 9:00 a.m. in Bakersfield, California.

[SIGNATURES ON FOLLOWING PAGE]

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DATED: May 14, 2012

Respectfully submitted,

SIERRA IP GROUP
MARK D. MILLER

ABELMAN FRAYNE & SCHWAB
MICHAEL ASCHEN
ANTHONY A. COPPOLA

By: /Anthony A. Coppola/

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

DATED: May 14, 2012

McCORMICK BARSTOW LLP
D. GREGORY DURBIN

HARVEY SISKIND LLP
D. PETER HARVEY
NAOMI JANE GRAY
MATTHEW A. STRATTON
DONALD A. THOMPSON

By: /D. Peter Harvey/

Attorneys for Plaintiff,
E. & J. Gallo Winery

ORDER

Based upon the stipulation of the parties, the Court **ORDERS:**

1. The hearing on the motion for fees (Doc. 310), is **CONTINUED** to June 26, 2012, at 9:00 a.m., at the United States Bankruptcy Courtroom located at 1300 18th Street, Bakersfield, California;

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