1	D. GREGORY DURBIN (SBN 81749)		
	McCORMICK BARSTOW SHEPPARD		
2	WAYTE & CARRUTH LLP		
3	5 River Park Place East		
3	P.O. Box 28912		
4	Fresno, California 93720		
•	Telephone: (559) 433-1300		
5	Facsimile: (559) 433-2300		
6	Greg.Durbin@mccormickbarstow.com		
7	D. PETER HARVEY (SBN 55712) SETH I. APPEL (SBN 233421)		
8	HARVEY SISKIND LLP		
0	Four Embarcadero Center, 39 <sup>th</sup> Floor		
9			
	Telephone: (415) 354-0100		
10	Facsimile: (415) 391-7124		
11	pharvey@harveysiskind.com		
11	sappel@harveysiskind.com		
12	•		
13	Attorneys for Plaintiff E. & J. Gallo Winery		
14	UNITED STATES DISTRICT COURT		
15			
15			
16	FRESNO DIVISION		
17			
1/			
18	E. & J. GALLO WINERY, a California	Case No. 1:10-CV-00411 LJO JLT	
	corporation,		
19	Plaintiff,	STIPULATION AND ORDER FURTHER	
20	V.	RESETTING SCHEDULE FOR	
20		JURISDICTIONAL DISCOVERY	
21	PROXIMO SPIRITS, INC., a Delaware		
	corporation; AGAVERA CAMICHINES, S.A.		
22	DE C.V., a Mexico corporation; and DOES 1-25,		
23	Defendants.		
24			
25	Plaintiff E. & J. Gallo Winery ("Gallo") and defendants Proximo Spirits, Inc. ("Proximo") and		
26	Agavera Camichines, S.A. de C.V. ("Agavera Camichines") (collectively, "Defendants"), through		
	, , , , ,		
27	their respective counsel, hereby stipulate as follows	s:	

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

- 1. In response to the Court's Order to Stay Defendants' Motion to Dismiss and Allow Plaintiff to Conduct Limited Discovery [Docket No. 39], dated August 26, 2010 ("Order"), the parties have been cooperating to conduct jurisdictional discovery. Gallo has propounded written discovery, defendants have responded and twice supplemented their responses to that discovery; and the parties are negotiating the terms of a proposed stipulated protective order.
- 2. Gallo also noticed depositions under Rule 30(b)(6) of the Federal Rules of Civil Procedure of witnesses from Proximo and Agavera Camichines. The parties agreed that both of these depositions would take place in New York City. The witness for Proximo appeared and was deposed as originally scheduled on October 28, 2010. The witness for Agavera Camichines, Cristobal Francisco Mariscal Estrada, a citizen of Mexico, had been scheduled for deposition on October 27, 2010. However, Mr. Estrada reported on October 25, 2010 that his passport and visa had been stolen from his home in Mexico City. Since that date, Mr. Estrada has been endeavoring to replace his passport and visa, but has encountered delays. The parties have now agreed that his deposition will proceed on December 1 in Mexico City.
- 3. The Stipulation and Order Resetting Briefing Schedule on Jurisdictional Discovery, dated September 30, 2010 [Docket No. 43] presently requires Gallo to submit its supplemental opposition regarding jurisdictional discovery no later than November 17, 2010, and defendants to file their responsive brief no later than December 1, 2010. In order to accommodate the necessary rescheduling of Agavera Camichines' FRCP 30(b)(6) deposition, the parties respectfully request the Court to reset the dates for their supplemental briefs by two more weeks. The parties have agreed, and respectfully request the Court to order, as follows:
  - a. Defendants shall present Mr. Estrada for deposition in Mexico City, at a location to be agreed upon, on December 1.
  - b. Gallo's supplemental brief will now be due on or before December 10, 2010.
  - c. Defendants' brief shall be due to be filed and served no later than December 20, 2010.

26 //

27 || .

1	Counsel of record so stipulate.	
2		Respectfully submitted,
3 4	DATED: November 16, 2010	McCORMICK BARSTOW LLP D. GREGORY DURBIN
5		HARVEY SISKIND LLP
6		D. PETER HARVEY SETH I. APPEL
7		SETTI. AT LE
8		By: /s/ D. Peter Harvey
9		Attorneys for Plaintiff, E. & J. Gallo Winery
10	DATED: November 16, 2010	KIMBLE, MacMICHAEL & UPTON
11		MARK D. MILLER
12		ABELMAN FRAYNE & SCHWAB
13		MICHAEL ASCHEN ANTHONY A. COPPOLA
14		Dry /a/Michael Acaban
15		By: /s/ Michael Aschen
16		Attorneys for Defendants, Proximo Spirits, Inc., and
17		Agavera Camichines, S.A. de C.V
18	D	
19	Pursuant to stipulation, it is <b>SO ORDERED</b> this 17 day of November, 2010.	
20		
21		/s/ Lawrence J. O'Neill The Honorable Lawrence J. O'Neill
22		United States District Court Judge
23		
24		
25		
26		
27		
28		-3-