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14 Attorneys for Plaintiff and Counterdefendant E. & J. Gallo Winery  
and Counterdefendants Ecco Domani USA, Inc. and Tequila Supremo, S.A. de C.V.  
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16 **UNITED STATES DISTRICT COURT**  
17 **EASTERN DISTRICT OF CALIFORNIA**  
18 **FRESNO DIVISION**

19 E. & J. GALLO WINERY, a California  
20 corporation,

Plaintiff,

21 v.

22 PROXIMO SPIRITS, INC., a Delaware  
23 corporation; AGAVERA CAMICHINES, S.A.  
24 DE C.V., a Mexico corporation; and DOES 1-25,

25 Defendants.

26 AND RELATED COUNTERCLAIMS  
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Case No. 1:10-CV-00411 LJO JLT

**STIPULATION AND ORDER MODIFYING  
CASE SCHEDULE**

1           Whereas this matter has been proceeding through discovery in accordance with the Court's  
2 Scheduling Order dated February 16, 2011; and

3           Whereas both sides have experienced some unexpected delays in the identification and  
4 production of electronic records, necessitating that the parties request a slight adjustment in the lay  
5 discovery cut-off date; and

6           Whereas to accommodate personal scheduling issues of counsel, the parties also respectfully  
7 request the Court to extend the date to complete expert discovery by two weeks and to extend the  
8 settlement conference date by one week; and

9           Whereas there have been no previous requests to the Court to adjust the Scheduling Order;

10          Now, therefore, the parties, through their respective counsel, stipulate and hereby request the  
11 Court to adjust the Scheduling Order (Docket No. 89) as follows:

12          1.       The date for completion of all discovery pertaining to non-experts shall be extended  
13 from August 5, 2011 to September 2, 2011.

14          2.       The date for completion of all discovery pertaining to experts shall be extended from  
15 October 7, 2011 to October 21, 2011.

16          3.       The settlement conference, currently set for 9:00 a.m. on January 9, 2012, shall be  
17 rescheduled to 9:00 a.m. on Monday, January 16, 2012, in Courtroom 6.

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1 Unless otherwise noted, the deadlines and dates in the existing Scheduling Order are  
2 unchanged, including the dates for dispositive motions, pre-trial and trial.

3 Respectfully submitted,

4 DATED: McCORMICK BARSTOW LLP  
5 D. GREGORY DURBIN

6 HARVEY SISKIND LLP  
7 D. PETER HARVEY  
8 NAOMI JANE GRAY  
9 MATTHEW A. STRATTON

10 By: /s/ D. Peter Harvey

11 Attorneys for Plaintiff and Counterdefendant  
12 DATED: E. & J. Gallo Winery and Counterdefendants  
13 Ecco Domani USA, Inc. and Tequila Supremo, S.A. de C.V.  
14 KIMBLE, MacMICHAEL & UPTON  
15 MARK D. MILLER

16 ABELMAN FRAYNE & SCHWAB  
17 MICHAEL ASCHEN  
18 ANTHONY A. COPPOLA

19 By: /s/ Anthony A. Coppola

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

23 **ORDER**

24 Good cause appearing, the Court GRANTS the amendment to the scheduling order.

25 IT IS SO ORDERED.

26 Dated: July 3, 2011

27 /s/ Jennifer L. Thurston  
28 UNITED STATES MAGISTRATE JUDGE

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