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13 and FREIXENET USA, INC. (and unserved defendant
FREIXENET, S.A.)
14

15 **UNITED STATES DISTRICT COURT**

16 **EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION**
17

18 QUADY WINERY INC., a California
19 corporation,

20 Plaintiff,

21 v.

22 FREIXENET AMERICA, INC., a California
corporation; FREIXENET USA, INC., a
23 Delaware corporation; FREIXENET, S.A., a
Spain corporation; and DOES 1 through 10,
24 inclusive,

25 Defendants.
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CASE NO. 1:11-CV-01474-AWI-BAM

The Honorable Barbara A. McAuliffe

**JOINT STIPULATION AND ORDER TO
EXTEND TIME TO RESPOND TO THE
COMPLAINT AND TO CONTINUE THE
CASE MANAGEMENT CONFERENCE
AND RELATED DEADLINES**

1 Pursuant to Civil Local Rule 144, Plaintiff Quady Winery Inc. (“Quady Winery”) and
2 Defendants Freixenet America, Inc., Freixenet USA, Inc., Freixenet, S.A. (collectively
3 “Freixenet”) hereby stipulate to allow Freixenet to file an Answer or otherwise respond to Quady
4 Winery’s Complaint by February 23, 2012. The parties also jointly request the Court to continue
5 the case management conference currently set for February 6, 2012 at 8:30 a.m. to March 6, 2012,
6 or as soon thereafter as counsel may be heard, with the initial case management, ADR, and initial
7 disclosure deadlines rescheduled accordingly from the new case management conference date.

8 **1. Reason for Request**

9 Quady Winery filed its Complaint against Freixenet on September 1, 2011. On December
10 1, 2011, Quady Winery’s Complaint was served upon Freixenet America, Inc. and Freixenet USA,
11 Inc. The parties request this stipulation to permit the parties to further explore settlement. Thus
12 far, the parties have agreed to settlement in principal and are currently negotiating the terms of a
13 written settlement agreement. The parties hope to resolve this matter amicably before Freixenet’s
14 stipulated deadline to file its response to Quady Winery’s Complaint.

15 **2. Prior Time Modifications**

16 Quady Winery previously provided Freixenet USA, Inc. and Freixenet USA, Inc. with a
17 30-day extension of time to respond to the Complaint through January 23, 2012.

18 **3. Effect of Requested Modification**

19 The requested extension will have no effect on the rest of the schedule in this action.
20 NOW, THEREFORE, the parties to this action, through their respective counsel, AGREE TO
21 AND HEREBY STIPULATE, to reschedule the case management conference and related
22 deadlines as follows:

23 1. Freixenet America, Inc. and Freixenet USA, Inc. shall file and serve their response
24 to Quady Winery’s Complaint by no later than February 23, 2012;

25 2. The Court’s case management conference, currently scheduled for February 6,
26 2012 at 8:30 a.m., shall be continued to March 6, 2012, or as soon thereafter as counsel may be
27 heard; and the initial case management, ADR, and initial disclosure deadlines shall be rescheduled

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1 accordingly from the new case management conference date.

2 Dated: January 19, 2012

Respectfully submitted:

3 OLIVIER TAILLIEU
4 RAFFI V. ZEROUNIAN
5 **ZUBER & TAILLIEU LLP**

6 By: /s/Raffi V. Zerounian
7 Attorneys for Plaintiff QUADY WINERY INC.

8 Dated: January 19, 2012

Respectfully submitted:

9 ROBERT W. SACOFF (pro hac vice motion to be
10 filed)
11 SETH I. APPEL
12 **PATTISHALL, McAULIFFE, NEWBURY,**
13 **HILLIARD & GERALDSON LLP**

14 By: /s/ Seth I. Appel
15 Attorneys for Defendants FREIXENET
16 AMERICA, INC.; FREIXENET USA, INC.;
FREIXENET, S.A.

17 I, Raffi V. Zerounian, am the ECF User whose identification and password are being used to file
18 this document. I hereby attest that counsel for Defendants has concurred in this filing.

19
20 **ORDER**

21 Upon reviewing the Stipulation and for good cause being shown, IT IS HEREBY
22 ORDERED that Defendants' answer or responsive pleading is due on or before February 23,
23 2012. The Scheduling Conference is continued from February 6, 2012 to March 7, 2012 at 8:30
24 AM in Courtroom 8 before Judge McAuliffe. A JOINT Scheduling Conference Report, carefully
25 prepared and executed by all counsel, shall be electronically filed in full compliance with the
26 requirements set forth in the Order Setting Mandatory Scheduling Conference, one (1) full week
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1 prior to the Scheduling Conference, and a copy shall be e-mailed, in WordPerfect or Word format,
2 to bamorders@caed.uscourts.gov.

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4 IT IS SO ORDERED.

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6 Dated: January 23, 2012

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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