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 DE FRANCESCO & SONS, INC.

7 **UNITED STATES DISTRICT COURT**  
 8 **EASTERN DISTRICT OF CALIFORNIA**

10 INTERNATIONAL FLAVORS &  
 FRAGRANCES INC.,

11 Plaintiff,

12 v.

13 VAN EEGHEN INTERNATIONAL B.V.  
 14 and DE FRANCESCO & SONS, INC.,

15 Defendants.

Case No. 2:06-CV-01565-JAM-KJM

**STIPULATION AND JOINT REQUEST  
 FOR ORDER AMENDING PRE-TRIAL  
 SCHEDULING ORDER**

17 Defendant DE FRANCESCO & SONS, INC. ("De Francesco"), by and through its  
 18 counsel of record; Defendant VAN EEGHEN INTERNATIONAL B.V. ("Van Eeghan"), by and  
 19 through its counsel of record; and Plaintiff INTERNATIONAL FLAVORS AND  
 20 FRAGRANCES INC. ("IFF"), by and through its counsel of record, hereby stipulate and  
 21 respectfully request the Court to enter a Stipulated Order Amending the Pre-Trial Scheduling  
 22 Order.

23 The Court previously entered an order amending the pre-trial schedule in this case, on  
 24 September 17, 2010. The parties request the Court to amend the pre-trial schedule again because  
 25 good cause exists, as follows:

26 1. Since the Court previously amended the pre-trial scheduling order, the parties have  
 27 traveled to The Netherlands and taken the following depositions: Willem Van Eeghen, Henri Van  
 28 Eeghen, Hans Fessl and Lisbeth Van Gorp in Amsterdam. The deposition of Robert Kreijzer was

1 scheduled and confirmed to be taken during this visit however, Mr. Kreijzer reneged on his  
2 agreement to appear for deposition the night before it was to take place and has will have to be  
3 deposed under the strictures of the rules and procedures enumerated under The Hague  
4 Convention. However the deposition of Lisbeth Van Gorp (produced as a person most qualified  
5 concerning communications between IFF and Van Eeghen) was not completed and the decision to  
6 complete her deposition is being discussed as a function of the return to The Netherlands to take  
7 the deposition of Robert Kreizer under The Hague Convention.

8         2.       The parties continue to cooperate to schedule party and percipient witness  
9 depositions both domestically and abroad. One witness, Freddie Hyong resides in Costa Rica and  
10 unless he can be persuaded to travel to the United States at all parties expense another  
11 international trip will be necessary to complete this aspect of discovery. The deposition of Mario  
12 DeFrancesco has not been completed but can be scheduled on a mutually convenient date without  
13 controversy. There is also a deposition of a person most qualified at Proctor & Gamble regarding  
14 the terms and scope of the settlement of the underlying claims to be scheduled and taken. It is  
15 believed that Proctor & Gamble is headquartered in the Midwest. The international nature of this  
16 action, including the foreign locations of percipient parties and witnesses, and the continued good  
17 faith cooperation of the parties, militates towards another revision of the Pre-Trial Scheduling  
18 Order deadlines.

19         3.       The parties continue to agree that mediation of this matter is in the best interests of  
20 all parties and may facilitate settlement, thus obviating the need for trial, the associated costs to  
21 the parties, and unnecessary utilization of judicial resources. The parties have agreed to  
22 reschedule the mediation to take place on the first available mutually convenient date following  
23 the completion of the depositions in The Netherlands. The parties have agreed upon a mediator:  
24 Ret. Judge Ronald M. Sabraw.

25         4.       The parties jointly submit this Stipulation and Request to revise the existing Pre-  
26 Trial Scheduling Order for the purposes of allowing the parties time to complete key depositions  
27 and mediation. In the event the matter does not resolve at mediation, the parties will complete  
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1 any existing depositions and expert discovery, and be prepared for trial by the proposed revised  
2 date.

3 5. Based on the foregoing, the parties respectfully move the Court to extend the  
4 current deadlines set out in the Pre-Trial Scheduling Order. The parties jointly and unanimously  
5 move that the attached Proposed Amended Pre-Trial Scheduling Order be entered by the Court.

6 6. This motion is not made for purposes of delay, but so that justice may be done. All  
7 parties unanimously agree that a reasonable extension is necessary based upon the foregoing.

ITEM	CURRENT DATE	REVISED DATE
Dispositive Motion Filing Deadline	05/18/2011	11/09/2011
Dispositive Motion Hearing	06/15/2011 at 9:30 a.m.	12/07/2011 at 9:30 a.m.
Discovery Deadline	06/02/2011	09/07/2011
Disclosure of Expert Witnesses	03/01/2011	07/08/2011
Disclosure of Rebuttal Experts	03/11/2011	07/15/2011
Joint Pre-Trial Statement Deadline	07/22/2011	01/13/2012
Final Pre-Trial Hearing	07/29/2011 at 2:00 p.m.	01/20/2012 at 10 a.m.
Trial of Matter	08/29/2011 at 9:00 a.m.	02/27/2012 at 9:00 a.m.

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23 Accordingly, pursuant to Local Rule 143, the parties respectfully request that this Court  
24 approve the parties' Stipulation, and grant the Joint Request to amend the pre-trial scheduling  
25 order.

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Respectfully Submitted,

Dated: January 14, 2011

**CANNON & NELMS**

By:     /s/ Robert W. Nelms      
ROBERT W. NELMS  
STEFAN O'GRADY  
Attorneys for Defendant  
DE FRANCESCO & SONS, INC.

Dated: January 14, 2011

**PAGLIERO & ASSOCIATES**

By:     /s/ Candace Pagliero      
CANDACE M. PAGLIERO  
JAMES R. PAGLIERO  
Attorneys for Defendant  
VAN EEGHAN INTERNATIONAL  
BV

Dated: January 14, 2011

**FILICE BROWN EASSA & McLEOD LLP**

By:     /s/ Robert Eassa      
ROBERT D. EASSA  
Attorneys for Plaintiff  
INTERNATIONAL FLAVORS &  
FRAGRANCES INC.

**IT IS SO ORDERED.**

Dated: January 14, 2011

    /s/ John A. Mendez      
HON. JOHN A. MENDEZ  
U.S. DISTRICT COURT JUDGE