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4	Tel: (714) 637-4400 Fax: (714) 637-4444		
5	Attorneys for Defendant		
6	DE FRÀNCESCO & SONS, INC.		
7	UNITED STATES DISTRICT COURT		
8	EASTERN DISTRICT OF CALIFORNIA		
9			
10	INTERNATIONAL FLAVORS &	Case No. 2:06-CV-01565-JAM-KJM	
11	FRAGRANCES INC.,	STIPULATION AND JOINT REQUEST FOR ORDER AMENDING PRE-TRIAL	
12	Plaintiff,	SCHEDULING ORDER	
13	v. VAN EEGHEN INTERNATIONAL B.V.		
14	and DE FRANCESCO & SONS, INC.,		
15	Defendants.		
16			
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 -		
	STIPULATION AND JOINT REQUEST FOR [PROPOSED] ORDER AMENDING PRE-TRIAL SCHEDULING ORDER		

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

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

4. The parties jointly submit this Stipulation and Request to revise the existing PreTrial Scheduling Order for the purposes of allowing the parties time to complete key depositions
and mediation. In the event the matter does not resolve at mediation, the parties will complete

STIPULATION AND JOINT REQUEST FOR [PROPOSED] ORDER AMENDING PRE-TRIAL SCHEDULING ORDER

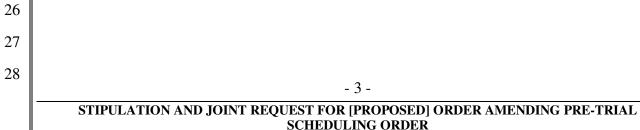
- 2 -

any existing depositions and expert discovery, and be prepared for trial by the proposed revised
 date.

5. Based on the foregoing, the parties respectfully move the Court to extend the
current deadlines set out in the Pre-Trial Scheduling Order. The parties jointly and unanimously
move that the attached Proposed Amended Pre-Trial Scheduling Order be entered by the Court.
6. This motion is not made for purposes of delay, but so that justice may be done. All
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.

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



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1 2		Respectfully Submitted,
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4	Dated: January 14, 2011	CANNON & NELMS
5		
6		By: <u>/s/ Robert W. Nelms</u>
7		ROBERT W. NELMS STEFAN O'GRADY
8		Attorneys for Defendant DE FRANCESCO & SONS, INC.
9		
10	Dated: January 14, 2011	PAGLIERO & ASSOCIATES
11		
12		By: <u>/s/ Candace Pagliero</u> CANDACE M. PAGLIERO
13		JAMES R. PAGLIERO
14		Attorneys for Defendant VAN EEGHAN INTERNATIONAL
15		BV
16		
17	Dated: January 14, 2011	FILICE BROWN EASSA & McLEOD LLP
18		
19		By:/s/ Robert Eassa
20		ROBERT D. EASSA Attorneys for Plaintiff
21		INTERNATIONAL FLAVORS &
22		FRAGRANCES INC.
23	IT IS SO ORDERED.	
24		
25	Dated: January 14, 2011	
26		/s/ John A. Mendez
27		HON. JOHN A. MENDEZ U.S. DISTRICT COURT JUDGE
28		- 4 -
	STIPULATION AND JOINT REQUEST	FOR [PROPOSED] ORDER AMENDING PRE-TRIAL
		CDULING ORDER

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