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5 Attorneys for Cross-Defendant  
 WONDER ICE CREAM LLC  
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8 UNITED STATES DISTRICT COURT  
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 10 EASTERN DISTRICT OF CALIFORNIA

11 BEN & JERRY'S FRANCHISING, INC.,  
 a Vermont corporation, and BEN &  
 12 JERRY'S HOMEMADE INC., a  
 Vermont corporation,

13 Plaintiff,

14 vs.

15 MEHRDAD PORGHAVAMI, et al.,

16 Defendants.

No. CV-07-2599-JAM-KJM

**JOINT REQUEST TO AMEND STATUS  
 (PRE-TRIAL SCHEDULING) ORDER**

(ASSIGNED TO HON. JOHN A. MENDEZ)

Trial Date: December 7, 2009

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 18 MEHRDAD PORGHAVAMI, et al.,

19 Cross-Complainant,

20 v.

21 BEN & JERRY'S FRANCHISING INC.,  
 a Vermont corporation, and BEN &  
 22 JERRY'S HOMEMADE INC., a  
 Vermont corporation, and BEN &  
 23 JERRY'S OF CALIFORNIA INC., a  
 California corporation, and WONDER  
 24 ICE CREAM LLC.

25 Cross-Defendants.

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1           WHEREAS, on November 6, 2008, the Court signed a Status (Pre-Trial Scheduling)  
2 Order (the "Scheduling Order") in this matter setting a trial date of December 7, 2009 and  
3 an estimated trial length of approximately fifteen (15) days;

4           WHEREAS, the Scheduling Order sets March 31, 2009 as the deadline for  
5 disclosure of expert witnesses and May 29, 2009 as the deadline for supplemental  
6 disclosures and disclosures of any rebuttal experts;

7           WHEREAS, the Scheduling Order sets a discovery cut-off date of June 30, 2009;

8           WHEREAS, the Scheduling Order sets May 1, 2009 as the deadline for dispositive  
9 motions and June 3, 2009 as the hearing date for any dispositive motions;

10           WHEREAS, the parties continue to engage in the meet-and-confer process  
11 regarding certain documents sought through discovery and necessary for the development  
12 of expert witness opinions, and production of those documents is scheduled to take place  
13 after the deadline for disclosure of expert witnesses;

14           WHEREAS, counsel for Wonder Ice Cream LLC ("Wonder"), Ben & Jerry's  
15 Franchising, Inc. ("Ben & Jerry's") and Ben & Jerry's Homemade, Inc. ("Homemade") and  
16 Mehrdad Porghavami ("Porghavami") have agreed to request an amendment to the  
17 Scheduling Order as follows: to move the deadline for expert witness disclosure from  
18 March 31, 2009 to May 15, 2009; to move the deadline for supplemental and rebuttal  
19 expert witness disclosure from May 29, 2009 to June 15, 2009; to move the discovery  
20 cutoff date from June 30, 2009 to July 6, 2009; to move the deadline for dispositive  
21 motions from May 1, 2009 to August 5, 2009; and to move the date for hearing of  
22 dispositive motions from June 3, 2009 to September 9, 2009.

23           WHEREAS, the parties do not seek the requested amendments to the Scheduling  
24 Order for the purposes of delay.

25           WHEREFORE, the parties request that the Court amend the Scheduling Order as  
26 follows:

27           1.       That the parties shall make expert witness disclosures under Fed. R. Civ. P.  
28 26(a)(2) by May 15, 2009.



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DATED: \_\_\_\_\_, 2009

DLA PIPER LLP (US)

By \_\_\_\_\_  
John J. Dwyer  
Attorneys for Plaintiffs/Cross-  
Defendants Ben & Jerry's Franchising,  
Inc. and Ben & Jerry's Homemade, Inc.

Signatures continue on next page

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DATED: \_\_\_\_\_, 2009

By \_\_\_\_\_  
Mehrdad Porghavami  
For Defendants/Cross Complainants  
MPA Group, Inc. and Mehrdad  
Porghavami

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**ORDER**

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the proposed dates in this joint request are approved.

DATED: April 6, 2009

/s/ John A. Mendez

The Honorable John A. Mendez  
U.S. District Court Judge