

Eisenberg Raizman Thurston & Wong llp  
 Adam J. Thurston (SBN 162636)  
 10880 Wilshire Boulevard, Eleventh Floor  
 Los Angeles, California 90024  
 Telephone: (310) 445-4400  
 Facsimile: (310) 445-4410

Attorneys for Defendant  
 VITAL PHARMACEUTICALS, INC.

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

CYTOSPORT, INC.,

Plaintiff,

vs.

VITAL PHARMACEUTICALS, INC.,

Defendant.

Case No. 2:08-cv-02632-FCD-GGH

**ORDER RE**

**(1) MOTION TO AMEND ANSWER  
 (#100);**

**(2) LEAVE TO FILE THIRD  
 AMENDED COMPLAINT AND  
 AMEND ANSWER WITH  
 COUNTERCLAIM; AND**

**(3) EXTENSION OF DISCOVERY  
 CUT-OFF DATE**

Disc. Cut-Off: April 10, 2010  
 Trial Date: None Set

The Court, having reviewed the parties' Stipulation Requesting Order Permitting Amendment Of The Pleadings (the "Stipulation), and good cause appearing therefor, hereby ORDERS as follows:

1. The Amended Answer, Affirmative Defenses, and Counterclaim, attached to the Stipulation as Exhibit 1, is deemed filed and served on the date of entry of this order;

2. The Third Amended Complaint, attached to the Stipulation as Exhibit 2, is deemed filed and served on the date of entry of this order;

3. The discovery cut-off date is hereby extended from April 10, 2010, to

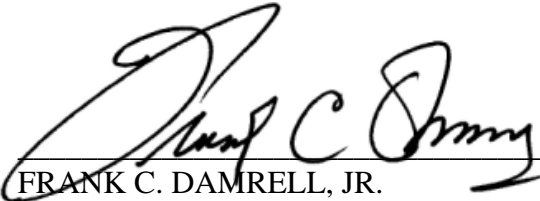
July 31, 2010;

4. The Motion To Amend Answer And Affirmative Defenses To State Counterclaims (#100) is taken off calendar as moot;

4. The parties shall have 20 days from on the date of entry of this order to respond to the amended pleadings.

IT IS SO ORDERED.

DATED: December 7, 2009

  
FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE

Presented by:

Eisenberg Raizman Thurston & Wong LLP

By: \_\_\_\_\_ /s/

Adam J. Thurston

Attorneys for Defendant

VITAL PHARMACEUTICALS, INC.