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9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA
 11 SACRAMENTO DIVISION

12	CYTOSPORT, INC., a California Corporation,	
13		Plaintiff,
14	v.	
15	CYTOGENIX SPORTS LABORATORIES, SRL, a Barbados Corporation,	
16		Defendant.

Case No. 2:10-CV-00700-WBS-KJM

JOINT MOTION TO CONTINUE INITIAL SCHEDULING CONFERENCE TO DECEMBER 13, 2010

[PROPOSED] ORDER CONTINUING INITIAL SCHEDULING CONFERENCE TO DECEMBER 13, 2010

JOINT MOTION

19 Pursuant to General Local Rule 144, Defendant Cytogenix Sports Laboratories, SRL
 20 (“Cytogenix”) and Plaintiff CytoSport, Inc. (“CytoSport”) hereby jointly move, through their
 21 respective undersigned counsel of record, that the Initial Scheduling Conference currently set for
 22 November 15, 2010, be continued for 28 days until December 13, 2010. A continuation of the
 23 Initial Scheduling Conference will also reset the deadline for submission of the parties’ Joint
 24 Scheduling Report to November 29, 2010, and will require the parties to hold their initial meet
 25 and confer conference by November 22, 2010.

26 The parties have recently stipulated to a 28-day extension of time to and including
 27 November 9, 2010, to attempt to settle this matter before Cytogenix must answer, move, or
 28 otherwise respond to the Complaint in this action. Given the current date of the Initial Scheduling

1 Conference the parties are obligated, under the applicable rules, to have their initial meet and
2 confer conference by October 25, 2010 and to submit their joint scheduling report by November
3 1, 2010, both of which dates are prior to the time when Cytogenix is to respond to the complaint.
4 The parties believe it would be much more efficient and practical to have these events take place
5 after Cytogenix has responded to the complaint. The requested continuation should also give the
6 parties an adequate opportunity to see if their ongoing settlement discussions can result in an
7 amicable resolution of their dispute.

8 For these reasons, the parties jointly move to continue the Initial Scheduling Conference
9 to December 13, 2010.

10 The Initial Scheduling Conference has been previously continued from September 20,
11 2010 to November 15, 2010 in connection with CytoSport's Ex Parte Application To Extend
12 Deadline for Serving Complaint and To Continue Joint Status (Pretrial Scheduling) Conference.

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1 Dated: October 22, 2010

KENYON & KENYON LLP

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Attorneys for Defendant
Cytogenix Sports Laboratories, SRL

11 Dated: October _____, 2010

MILLSTONE PETERSON & WATTS, LLP

12 By: /s/ Glenn W. Peterson
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I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this e-filed document.

MILLSTONE PETERSON & WATTS, LLP

Attorneys at Law

/s/ Glenn W. Peterson

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ORDER

Based upon the foregoing application, and good cause appearing, the Initial Scheduling Conference is continued to **December 13, 2010 at 2:00 p.m.** A Joint Status Report shall be filed no later than November 29, 2010.

IT IS SO ORDERED.

DATED: October 22, 2010



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE