

1 Peter M. de Jonge (Utah SBN 7185)
 Jed H. Hansen (Utah SBN 10,679)
 2 **THORPE NORTH & WESTERN, LLP**
 8180 South 700 East, Suite 200
 3 Sandy, Utah 84070
 Telephone: (801) 566-6633/Facsimile: (801) 566-0753
 4

5 Mark M. Bettilyon (Utah SBN 4798)
 Samuel C. Straight, (Utah SBN 7638)
 6 **RAY QUINNEY & NEBEKER**
 36 South State Street, Suite 1400
 Salt Lake City, Utah 84111
 7 Telephone: (801) 532-1500/Facsimile: (801) 532-7543

8 Glenn W. Peterson (California SBN 126173)
 9 **MILLSTONE PETERSON & WATTS, LLP**
Attorneys at Law
 2267 Lava Ridge Court, Suite 210
 10 Roseville, CA 95661
 Telephone: (916) 780-8222/Facsimile: (916) 780-8775
 11

Attorneys for Plaintiff, CYTOSPORT, INC.

12 Megan Whyman Olesek (California SBN 191218)
 13 **KENYON & KENYON LLP**
 333 W. San Carlos Street, Suite 600
 14 San Jose, CA 95110-2731
 Telephone: (408) 975-7500/Facsimile: (408) 975-7501
 15

Attorneys for Defendant, Cytogenix Laboratories, SRL

17 UNITED STATES DISTRICT COURT
 18 EASTERN DISTRICT OF CALIFORNIA

<p>19 CYTOSPORT, INC., a California Corporation, 20 21 Plaintiff, 22 vs. 23 CYTOGENIX SPORTS LABORATORIES, SRL, a Barbados Corporation, 24 25 Defendant.</p>	<p>Case No.: 2:10-CV-00700-WBS-KJM 26 JOINT STIPULATION AND [PROPOSED] ORDER TO CONTINUE JOINT STATUS (PRETRIAL SCHEDULING) CONFERENCE 27 Date: February 22, 2011 Time: 2:00 p.m. Courtroom: 5 Honorable William B. Shubb</p>
--	--



1 Plaintiff and Defendant hereby stipulate to continue the Status (Pretrial Scheduling)
2 Conference currently set for February 22, 2011 to March 14, 2011.

3 The parties have been in discussions concerning settlement and negotiations to resolve the
4 case are continuing between the parties. Draft settlement documents have been exchanged.

5 Because the prospect of settlement appears favorable, the parties wish to economize the costs
6 associated with pleading and preparation of the joint status report, and the associated court
7 appearance.

8 For these reasons, the parties now seek an additional continuance of the Scheduling
9 Conference in order to continue negotiations (and hopefully execution) of a settlement agreement.
10 The parties are hopeful that a voluntary dismissal will precede the new proposed conference date.

11 DATED: January 27, 2011

THORPE NORTH & WESTERN, L.L.P.
-and-
RAY QUINNEY & NEBEKER P.C.
-and-
MILLSTONE, PETERSON & WATTS, LLP

15 By: /s/ Glenn W. Peterson
16 **GLENN W. PETERSON**

17 Attorneys for Plaintiff CytoSport, Inc.

18 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
19 "conformed" signature (/s/) within this e-filed document.

MILLSTONE PETERSON & WATTS, LLP /s/ Glenn W. Peterson

20 DATED: January 27, 2011

KENYON & KENYON LLP

22 By: /s/ Megan Whyman Olesek
23 **(As Authorized on 01/27/11)**
24 **MEGAN WHYMAN OLESEK**

25 Attorneys for Def. Cytogenix Laboratories, SRL

26 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
27 "conformed" signature (/s/) within this e-filed document.

KENYON & KENYON LLP /s/ Megan Whyman Olesek

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based upon the foregoing stipulation, and good cause appearing, the Status (Pretrial Scheduling) Conference in this matter is continued to **March 21, 2011 at 2:00 p.m.** A joint scheduling report shall be filed no later than **March 7, 2011.**

SO ORDERED.

DATED: January 28, 2011



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE