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CytoSport, Inc.

15 UNITED STATES DISTRICT COURT
16 EASTERN DISTRICT OF CALIFORNIA
17

18 CYTOSPORT, INC., a California
corporation,

19 Plaintiff,

20 vs.

21 PROCLAIM NUTRITION, LLC, a Nevada
Limited Liability Company,

22 Defendant.
23

Case No.: 2:11-CV-01323-FCD-KJN

**APPLICATION TO CONTINUE JOINT
SCHEDULING CONFERENCE;**

**[PROPOSED] ORDER CONTINUING
JOINT SCHEDULING CONFERENCE**

DATE: November 14, 2011

TIME: 9:00 a.m.

CTRM.: 10

United States District Judge
Garland E. Burrell, Jr.

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MILLSTONE
PETERSON &
WATTS, LLP

1 **APPLICATION**

2 By minute order dated September 1, 2011, this matter was set for an Initial Scheduling
3 Conference to be heard on November 14, 2011 at 9:00 a.m.

4 Immediately after this action was filed, Defendant was contacted regarding potential
5 settlement of the action. A settlement dialogue ensued, and has continued in earnest since the initial
6 contact was made. Those discussions have matured to the point where a settlement agreement has
7 been drafted by Plaintiff's counsel and will soon be submitted to Defendant for review and
8 consideration. We are hopeful that the matter will be resolved without the necessity of an
9 appearance by Defendant. While recognizing that we are in arrears of the court-ordered schedule for
10 a Joint Status Report, we believe that these circumstances warrant a 45-day postponement of the
11 Pretrial Scheduling Conference, and respectfully request that the Court order that the scheduling
12 conference be continued for approximately 45 days. We are hopeful that a voluntary dismissal will
13 precede the new conference date.

14 DATED: October 28, 2011

15 Jed H. Hansen
16 **THORPE NORTH & WESTERN, L.L.P.**

17 *-and-*

18 **MILLSTONE, PETERSON & WATTS, LLP**
19 *Attorneys at Law*

20 By: /s/ Glenn W. Peterson
21 **GLENN W. PETERSON**

22 Attorneys for Plaintiff
23 CytoSport, Inc.

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

26 **MILLSTONE PETERSON & WATTS, LLP**
27 /s/ Glenn W. Peterson
28

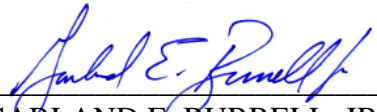
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ORDER

Based upon the foregoing application, and good cause appearing, the Status (Pretrial Scheduling) Conference in this matter is continued to January 30, 2012, at 9:00 a.m. A joint status report shall be filed fourteen days prior to the hearing.

SO ORDERED.

Date: 11/1/2011



GARLAND E. BURRELL, JR.
United States District Judge