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17 *Attorneys for Plaintiff/Counter Defendant CYTOSPORT, INC.*

18 UNITED STATES DISTRICT COURT  
19 EASTERN DISTRICT OF CALIFORNIA

20 CYTOSPORT, INC., a California  
21 corporation,  
22 Plaintiff,  
23 v.  
24 SELECT MILK PRODUCERS, INC., a  
New Mexico corporation; and  
25 ATHLETE'S HONEY MILK, LLC, a  
Delaware limited liability company,  
26 Defendants.  
27

Case No. 2:11-cv-01705-MCE-JFM

**STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE THE HEARING  
DATE FOR PLAINTIFF'S AND  
DEFENDANTS' MOTIONS TO COMPEL  
DISCOVERY RESPONSES  
[LOCAL RULE 230(F)]**

Date: July 24, 2013  
Time: 10:00 a.m.  
Magistrate Judge Edmund F. Brennan, Dept. 8

Complaint Filed: November 11, 2011

Trial Date: Not Set

LAW OFFICES OF  
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1 SELECT MILK PRODUCERS, INC., a  
2 New Mexico corporation; and FAIR OAKS  
3 FARMS BRANDS, INC., a Delaware  
4 corporation,

5 Counterclaimants,

6 vs.

7 CYTOSPORT, INC., a California  
8 corporation,

9 Counterclaim Defendant.

10 **STIPULATION**

11 Pursuant to Local Rule 230(f) Plaintiff/Counter Defendant Cytosport, Inc. (hereinafter  
12 “Plaintiff”) and Defendants/Counterclaimants Select Milk Producers, Inc., Fair Oaks Farm  
13 Brands, Inc. and Athlete’s Honey Milk, LLC (“Defendants”), hereby apply upon stipulation for  
14 an order allowing Plaintiff’s hearing on its Motion to Compel Discovery Responses and for  
15 Sanctions and Defendants’ hearing on their Motion to Compel Discovery Responses (both  
16 currently set for July 24, 2013) be continued to August 7, 2013, so that the parties can continue  
17 settlement negotiations.

18 The motions have not been previously continued. The parties hereby stipulate to the entry  
19 of an Order continuing both hearings to August 7, 2013 at 10:00 a.m. in Department 8. The  
20 parties respectfully request the Court enter the Order.

21 Dated: July 18, 2013

BEST BEST & KRIEGER LLP  
and  
SHUMAKER, LOOP & KENDRICK, LLP

22  
23 By: /s/Susan L. Schoenig  
24 SUSAN L. SCHOENIG  
25 *Attorneys for Defendants and Counterclaimants*  
26 *SELECT MILK PRODUCERS, INC., FAIR OAKS*  
*FARM BRANDS, INC. and ATHLETE’S HONEY*  
*MILK, LLC*

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Dated: July 18, 2013

MILLSTONE, PETERSON & WATTS, LLP  
and  
THORPE NORTH & WESTERN, LLP

By:                   /s/Glenn W. Peterson                    
GLENN W. PETERSON

*Attorneys for Plaintiff/Counter Defendant*  
*CYTOSPORT, INC.*

**ORDER**

Based upon the foregoing stipulation, and good cause appearing, Plaintiff's Motion to Compel Discovery and for Sanctions and Defendants' Motion to Compel Discovery in this matter is continued to August 7, 2013, at 10:00 a.m. in Department 8.

**IT IS SO ORDERED.**

Dated: July 19, 2013

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE