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SELECT MILK PRODUCERS, INC., FAIR OAKS FARM
17 *BRANDS, INC. and ATHLETE'S HONEY MILK, LLC*

18 UNITED STATES DISTRICT COURT
19 EASTERN DISTRICT OF CALIFORNIA

21 CYTOSPORT, INC., a California
corporation,

22 Plaintiff,

23 v.

24 SELECT MILK PRODUCERS, INC., a
25 New Mexico corporation; and
26 ATHLETE'S HONEY MILK, LLC, a
Delaware limited liability company,

27 Defendants.

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

**STIPULATION AND [PROPOSED]
ORDER TO DROP MOTIONS TO
COMPEL DISCOVERY RESPONSES
WITHOUT PREJUDICE
[LOCAL RULE 230(F)]**

Date: August 7, 2013
Time: 10:00 a.m.
Magistrate Judge Edmund F. Brennan, Dept. 8

Complaint Filed: November 11, 2011

Trial Date: Not Set

1 SELECT MILK PRODUCERS, INC., a
2 New Mexico corporation; and FAIR OAKS
3 FARMS BRANDS, INC., a Delaware
4 corporation,
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6 Counterclaimants,
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8 vs.
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10 CYTOSPORT, INC., a California
11 corporation,
12
13 Counterclaim Defendant.

9 **STIPULATION**

10 Pursuant to Local Rule 230(f) Plaintiff/Counter Defendant Cytosport, Inc. (hereinafter
11 “Plaintiff”) and Defendants/Counterclaimants Select Milk Producers, Inc., Fair Oaks Farm
12 Brands, Inc. and Athlete’s Honey Milk, LLC (“Defendants”), hereby apply upon stipulation for
13 an order allowing Plaintiff’s Motion to Compel Discovery Responses and for Sanctions and
14 Defendants’ Motion to Compel Discovery Responses (both currently set for August 7, 2013) be
15 dropped from the Court’s calendar, without prejudice to their reinstatement upon proper notice, so
16 that the parties can continue settlement negotiations.

17 The motions were previously continued once. The parties hereby consent to the entry of
18 an Order consistent with this stipulation. The parties respectfully request the Court enter such an
19 Order.

20 Dated: August 2, 2013

MILLSTONE, PETERSON & WATTS, LLP

21 and

22 THORPE NORTH & WESTERN, LLP

23
24 By: /s/ Glenn W. Peterson
25 GLENN W. PETERSON

26 *Attorneys for Plaintiff/Counter Defendant*
27 *Cytosport, Inc.*

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Dated: August 2, 2013

SHUMAKER, LOOP & KENDRICK, LLP

and

BEST BEST & KRIEGER LLP

By: /s/ Peter R. Silverman
PETER R. SILVERMAN
(As Authorized on 08/02/12)

*Attorneys for Defendants and Counterclaimants
SELECT MILK PRODUCERS, INC., FAIR OAKS
FARM BRANDS, INC. and ATHLETE'S HONEY
MILK, LLC*

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 /s/ Glenn W. Peterson

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 are hereby dropped from the Court's calendar, without prejudice to their reinstatement upon proper notice.

IT IS SO ORDERED.

Dated: August 6, 2013.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE