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 20 Wine and Spirits Wholesalers of California

21 UNITED STATES DISTRICT COURT  
 22 EASTERN DISTRICT OF CALIFORNIA

23 Orion Wine Imports, LLC and Peter Creighton,

24 Plaintiffs,

25 vs.

26 Jacob Appelsmith, in his Capacity as Director  
 27 of the California Department of Alcoholic  
 28 Beverage Control,

Defendant.

Case No. 2:18-cv-01721-KJM-DB

**STIPULATION AND ORDER  
 PERMITTING CALIFORNIA BEER  
 AND BEVERAGE DISTRIBUTORS  
 AND WINE AND SPIRITS  
 WHOLESALERS OF CALIFORNIA  
 TO PARTICIPATE AS AMICI IN  
 CONNECTION WITH PLEADINGS  
 CHALLENGES**

Date: September 19, 2018  
 Time: 10:00 a.m.  
 Place: Courtroom 3, Federal Court  
 Building, 501 I Street,  
 Sacramento CA  
 Judge: Hon. Kimberly J. Mueller

1 California Beer and Beverage Distributors (“CBBB”) and Wine and Spirits Wholesalers  
2 of California (“WSWC”) (together, “the Amici”), Plaintiffs Orion Wine Imports, LLC and Peter  
3 Creighton (“Plaintiffs”), and Defendant Director Jacob Appelsmith (“Defendant”), by and  
4 through their counsel, submit the following stipulation and proposed order.

5 **BRIEF JOINT STATEMENT**

6 The Amici are separate non-profit trade associations representing the interests of alcohol  
7 wholesalers located throughout California. On August 31, 2018, counsel for the Amici contacted  
8 counsel for the Plaintiffs and Defendant to advise them that the Amici intended to seek approval  
9 from the Court to participate as amici in connection with pleadings challenges and requested a  
10 stipulation permitting such participation. Counsel for Plaintiffs and Defendant both consented to  
11 the Amici’s request.

12 **STIPULATION AND REQUEST FOR RELIEF**

13 THEREFORE, Plaintiffs, Defendant and the Amici, by and through their respective  
14 counsel, hereby stipulate, subject to Court approval, that the Amici shall be permitted to  
15 participate as amici in connection with pleadings challenges in this action, including by filing a  
16 brief in advance of the next hearing scheduled in this action.

17 Dated: September 10, 2018

Respectfully submitted,

18 MORGAN, LEWIS & BOCKIUS LLP<sup>1</sup>

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20 By /s/ Brian C. Rocca  
Brian C. Rocca

21 Attorneys for Amicus Curiae  
22 California Beer and Beverage Distributors

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27 <sup>1</sup> Brian C. Rocca, the filer of this document, hereby attests that he obtained the authorization of  
28 all other signatories prior to the document’s filing.

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HOLLAND & KNIGHT LLP

By /s/ Michael B. Newman (authorized 9/7/18)  
Michael B. Newman

Attorneys for Amicus Curiae  
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By /s/ Lykisha D. Beasley (authorized 9/10/18)  
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Attorneys for Defendant  
Jacob Appelsmith, in his official capacity as  
Director of the California Department of  
Alcoholic Beverage Control

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: September 13, 2018.

  
UNITED STATES DISTRICT JUDGE