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 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA

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 13  
 14 **ORION WINE IMPORTS, LLC and**  
**PETER E. CREIGHTON,**

15  
 16 Plaintiffs,

17 v.

18 **JACOB APPLESMITH, in his official**  
**capacity as Director of the California**  
**Department of Alcoholic Beverage Control,**

19  
 20 Defendants.

2:18-cv-01721-KJM-DB

21  
 22 **JOINT STIPULATION TO CONTINUE**  
**STATUS CONFERENCE AND**  
**HEARING ON DEFENDANT'S MOTION**  
**TO DISMISS; ORDER**

MSC Date: TBD  
 Trial Date: TBD  
 Courtroom: 3  
 Judge: The Honorable Kimberly J.  
 Mueller

Action Filed: June 14, 2018

23 **TO THE HONORABLE KIMBERLY J. MUELLER, UNITED STATES DISTRICT**  
**COURT JUDGE:**

24 On December 5, 2018, the Court issued a Minute Order vacating and advancing the date of  
 25 the status conference and hearing on Defendant Jacob Appelsmith's motion to dismiss from  
 26 December 21, 2018 to December 20, 2018. (ECF No. 37) Defendant's counsel previously  
 27 arranged to take the deposition of the plaintiff in a Sacramento Superior Court case (Keioni Grant  
 28 v. Angelo Arata and the State of California) on December 20, 2018, but tried to re-schedule it in

1 order to accommodate this Court's calendar. However, Defendant's counsel was unable to do so  
2 due to there being more than two parties to the litigation.

3 Upon realizing that the conflict could not be resolved, Defendant's counsel contacted Judge  
4 Mueller's courtroom clerk and Plaintiffs' counsel, Mr. James A. Tanford, in order to explain the  
5 scheduling conflict. Judge Mueller's clerk instructed counsel for Defendant to meet and confer  
6 with Plaintiffs' counsel regarding the issue and, upon resolution, file a joint stipulation identifying  
7 a new hearing date for the status conference and motion to dismiss.

8 Counsel for Plaintiffs and Defendant ("the Parties") successfully conferred on the  
9 scheduling conflict and jointly request that the Court accept the following stipulation.

10 WHEREAS, the Parties agree that the continuance of the date of the status conference and  
11 hearing on Defendant Jacob Appelsmith's motion to dismiss from December 20, 2018 to  
12 February 8, 2019 is for good cause and is in the interest of justice;

13 **IT IS HEREBY STIPULATED:**

14 Plaintiffs and Defendant, by and through their respective attorneys of record, have agreed to  
15 continue of the date of the status conference and hearing on Defendant Jacob Appelsmith's  
16 motion to dismiss from December 20, 2018 to February 8, 2019.

17 Dated: December 14, 2018

Epstein Cohen Seif & Porter

18 By /s/ James A. Tanford

James A. Tanford, Esq.

19 Attorneys for Plaintiffs

20 Orion Wine Imports and Peter Creighton

21  
22 Dated: December 14, 2018

Office of the Attorney General

23 By /s/ Lykisha D. Beasley

Lykisha D. Beasley, Deputy Attorney General

24 Attorneys for Defendant

Jacob Appelsmith, Director of the

25 California Department of

26 Alcoholic Beverage Control

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**ORDER**

The Court having reviewed the foregoing Joint Stipulation and good cause appearing therefore:

**IT IS HEREBY ORDERED** that the status conference and hearing on Defendant Jacob Appelsmith's motion to dismiss are continued from December 20, 2018 to February 8, 2019.

**IT IS SO ORDERED.**

DATED: December 17, 2018.

  
UNITED STATES DISTRICT JUDGE

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**CERTIFICATE OF SERVICE**

Case Name: **Orion Wine Imports, LLC, and** No. **2:18-cv-01721-KJM-DB**  
**Peter E. Creighton v. Jacob**  
**Applesmith**

I hereby certify that on December 14, 2018, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**JOINT STATUS TO CONTINUE STATUS CONFERENCE AND HEARING ON  
DEFENDANT’S MOTION TO DISMISS; [PROPOSED] ORDER**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 14, 2018, at Sacramento, California.

Sylvia Sandoval  
Declarant

/s/ Sylvia Sandoval  
Signature