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12 PEPPERIDGE FARM, INCORPORATED

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14 **UNITED STATES DISTRICT COURT**

15 **EASTERN DISTRICT OF CALIFORNIA**

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18 VITAL DISTRIBUTIONS, LLC, a California  
limited liability company,

19 Plaintiff,

20 v.

21 PEPPERIDGE FARM, INCORPORATED, a  
22 Connecticut corporation,

23 Defendant.

Case No: 2:22-cv-00319-MCE-CKD

**REQUEST FOR RELIEF FROM  
COURT'S MARCH 22, 2024 ORDER  
(ECF NO. 82) AND ORDER**

1 Defendant Pepperidge Farm, Incorporated (“Defendant” or “Pepperidge Farm”) respectfully  
2 requests that the attorney of record for Defendant, Melissa Rae Ginsberg, be excused from the  
3 Court’s March 22, 2024 Order (ECF No. 82) directing the appearance of all counsel at the in-  
4 person March 28, 2024 hearing (the “Hearing”).

5 Ms. Ginsberg is currently undergoing treatment for a serious medical condition which  
6 requires continual medical treatment, including this week, on March 25, 2024.<sup>1</sup> She is recovering  
7 from that treatment today and has been advised by her medical team not to travel long distances for  
8 the next several months. All other counsel of record for Pepperidge Farm look forward to joining  
9 the Court in person at the hearing.

10 The undersigned alerted Plaintiff’s counsel to this issue last Friday and had expected to file  
11 a joint motion stipulating to each side’s request for excusal. For avoidance of doubt, Pepperidge  
12 Farm has no objection to, and supports, Plaintiff’s request filed earlier today (ECF No. 85),  
13 respecting the justifiable excuse for Plaintiff’s counsel Tory Griffin.

14  
15 Dated: March 26, 2024

Respectfully submitted,

BRAUNHAGEY & BORDEN LLP

By: /s/ J. Noah Hagey

J. Noah Hagey

*Attorneys for Defendant*

*Pepperidge Farm, Incorporated*

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<sup>1</sup> Ms. Ginsberg resides in New York and her treatment will continue for the next several months.


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**ORDER**

Good cause appearing, the Court hereby excuses Melissa Rae Ginsberg, counsel for Defendant Pepperidge Farm, Incorporated, from appearing at the March 28, 2024 hearing on Plaintiff’s Motion for a Preliminary Injunction.

**IT IS SO ORDERED.**

Dated: March 26, 2024

  
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MORRISON C. ENGLAND, JR.  
SENIOR UNITED STATES DISTRICT JUDGE