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7 Attorneys for Defendants
 JOHN BARGETTO and
 8 BARGETTO'S SANTA CRUZ WINERY

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

13 MARILYN CHURCHILL, an individual,
 14 Plaintiff,
 15 v.
 16 JOHN BARGETTO, in his individual and
 official capacities; BARGETTO'S SANTA
 17 CRUZ WINERY, a California Corporation;
 and DOES 1 through 100, inclusive,
 18 Defendants.
 19

CASE NO. C07-03007 MMC

**NOTICE OF WITHDRAWAL OF
 DEFENDANTS' MOTION TO COMPEL
 FURTHER EXPERT DISCLOSURE, OR IN
 THE ALTERNATIVE, TO EXCLUDE
 SUCH EXPERTS AND [PROPOSED]
 ORDER**

**Date: December 5, 2008
 Time: 9:30 a.m.
 Courtroom A, 15th Floor
 Magistrate Judge Joseph C. Spero**

21 Defendants JOHN BARGETTO and BARGETTO'S SANTA CRUZ WINERY hereby
 22 withdraw their Motion to Compel Further Expert Disclosure, or in the Alternative, to Exclude
 23 Such Experts, currently set for hearing on December 5, 2008, at 9:30 a.m.

24 On November 10, 2008, the Court issued its Second Amended Pretrial Preparation Order
 25 which extended the parties' deadline to disclose experts. With the new deadlines, Defendants'
 26 motion is now moot. Defendants, therefore, hereby withdraw their Motion to Compel and
 27 respectfully ask the Court to take the December 5, 2008 hearing in this matter off of the Court's
 28 calendar.

**NOTICE OF WITHDRAWAL OF MOTION TO
 COMPEL AND [PROPOSED] ORDER
 CASE NO. C07-03007 MMC**

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Dated: December 1, 2008

TINGLEY PIONTKOWSKI LLP

By: /s/ Jonathan A. McMahon
JONATHAN A. MCMAHON
BRUCE C. PIONTKOWSKI
Attorneys for Defendants

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.

Dated: December 1, 2008

TINGLEY PIONTKOWSKI LLP

By: /s/ Jonathan A. McMahon
JONATHAN A. MCMAHON
BRUCE C. PIONTKOWSKI
Attorneys for Defendants

[PROPOSED] ORDER

GOOD CAUSE APPEARING, it is hereby ordered that the December 5, 2008 hearing on
Defendants’ Motion to Compel Further Expert Disclosure, or in the Alternative, to Exclude Such
Experts is vacated and Defendants’ Motion to Compel Further Expert Disclosure, or in the
Alternative, to Exclude Such Experts is withdrawn without prejudice.

IT IS SO ORDERED.

Dated: 12/03, 2008

Honorable Joseph
MAGISTRATE JUDGE COURT

