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17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**

20 MIXT GREENS, a California Corporation,
21 Plaintiff,
22 v.
23 SPROUT CAFÉ, an entity of unknown origin,
24 Defendant.

CASE NO. C 08-05175-EMC
**STIPULATION AND [~~PROPOSED~~]
ORDER TO AMEND FIRST AMENDED
CASE MANAGEMENT ORDER**

26 **WHEREAS**, this Court entered the First Amended Case Management And Pretrial Order For
27 Jury Trial on August 5, 2009 (Document No. 32) (the "Case Management Order");
28

1 **WHEREAS**, the parties have requested that the Court permit them time to participate in
2 good faith settlement discussions before a neutral Magistrate Judge of this District;

3 **WHEREAS**, the Court granted that request, and appointed Magistrate Judge Donna M. Ryu
4 to conduct and supervise the settlement discussions of the parties;

5 **WHEREAS**, on July 14, 2010, the Court granted plaintiff's Motion For Leave To File First
6 Amended Complaint;

7 **WHEREAS**, defendant Sprout Café has requested additional time to respond to the amended
8 complaint and prepare appropriate dispositive motions to be heard by the Court;

9 **WHEREAS**, the parties require additional time to conduct appropriate discovery in this
10 action;

11 **THEREFORE**, the parties hereby stipulate and respectfully request that the Court amend the
12 Case Management Order as follows:

13 1. TRIAL:

14 a. Jury trial is reset from 10/18/2010 to **1/24/2011 at 8:30 AM in Courtroom**
15 **D, 15th Floor, 450 Golden Gate, San Francisco, California.**

16 2. DISCOVERY

- 17 a. All non-expert discovery shall be completed by **9/17/2010**;
- 18 b. Experts shall be disclosed and reports provided by plaintiff and defendant by
19 **9/27/2010**;
- 20 c. Rebuttal experts shall be disclosed and reports provided by **10/11/2010**;
- 21 d. All discovery from experts shall be completed by **10/25/2010**.

22 3. MOTIONS

23 a. The last day for hearing dispositive motions shall be **11/10/2010**.

24 4. PRETRIAL CONFERENCE

- 25 a. A pretrial conference shall be held on **1/12/2011 at 3:00 p.m. in Courtroom**
26 **C, 15th Floor, 450 Golden Gate, San Francisco, California**;
- 27 b. On **11/22/10**, lead counsel shall meet and confer regarding the topics set forth
28 in the Case Management Order at ¶5(b);
- c. On **12/3/2010**, counsel and/or the parties shall serve and file a joint pretrial

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conference statement that includes the pretrial disclosures required by Federal Rule of Civil Procedure 26(a)(3) as well as the other disclosures and topics set forth in the Case Management Order at ¶5(c);

- d. On 12/17/2010, after meeting and conferring in a good faith attempt to resolve any objections, counsel and/or parties shall serve and file the items set forth in the Case Management Order at ¶5(d). No replies shall be filed.
 - e. All motions *in limine* and objections shall be heard at the pretrial conference.
5. All other provisions of the Case Management Order not specifically amended herein shall remain in full force and effect.

Dated: July 20, 2010

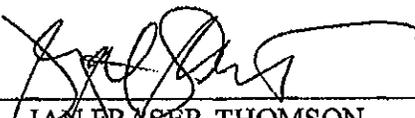
STEYER LOWENTHAL BOOKROOKAS
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BY: 

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EDWARD EGAN SMITH
HENRY A. CIRILLO
Attorneys for Plaintiff
MIXT GREENS

Dated: July 20, 2010

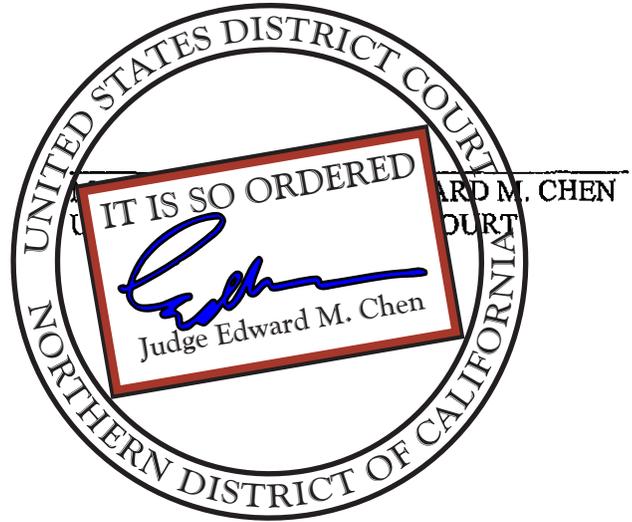
CESARI, WERNER and MORIARTY

BY: 

IAN FRASER-THOMSON
STEPHEN L. DAHM
MARGARET M. LESNIAK
Attorneys for Defendant
SPROUT CAFÉ

ORDER

IT IS SO ORDERED on this 21st day of July, 2010



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CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2010, I caused a true and correct copy of

**STIPULATION AND [PROPOSED] ORDER
TO AMEND FIRST AMENDED
CASE MANAGEMENT ORDER**

to be served via the Court's ECF system on all counsel registered for ECF in this case.

/s/ Linda Rorem
Linda Rorem