

1 ATON ARBISSER, (Bar No. 150496)
 aton@kayescholer.com

2 **KAYE SCHOLER LLP**
 1999 Avenue of the Stars, Suite 1700
 3 Los Angeles, California 90067
 Telephone: (310) 788-1000
 4 Facsimile: (310) 788-1200

5 Attorneys For Defendants/
 Counterclaim-Plaintiffs
 6 THE HERSHEY COMPANY, HERSHEY
 CHOCOLATE & CONFECTIONARY
 7 CORPORATION

8 MICHAEL O. WARNECKE (IL. Bar No.
 2942291)

9 mwarnecke@perkinscoie.com
 (Pro Hac Vice Application Granted)
 10 DEBRA R. BERNARD (IL. Bar No. 6191217)
 dbernard@perkinscoie.com

11 (Pro Hac Vice Application Granted)
PERKINS COIE LLP

12 131 S. Dearborn Street, Suite 1700
 Chicago, IL 60603-5559
 13 Telephone: 312.324.8400
 Facsimile: 312.324.9400

JASON A. YURASEK (CA. Bar No. 202131)
 jyurasek@perkinscoie.com

PERKINS COIE LLP
 Four Embarcadero Center, Suite 2400
 San Francisco, CA 94111-4131
 Telephone: 415.344.3000
 Facsimile: 415.344.7050

14 Attorneys for Plaintiffs
 Counter-claim defendants
 15 CHOCOLADEFABRIKEN LINDT &
 SPRUNGLI AG and GHIRARDELLI
 16 CHOCOLATE COMPANY

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA

19 CHOCOLADEFABRIKEN LINDT &
 SPRUNGLI AG, *et al.*,

20 Plaintiffs,

21 v.

22 THE HERSHEY COMPANY, *et al.*,

23 Defendants.

24 THE HERSHEY COMPANY, *et al.*,

25 Counterclaim-plaintiffs,

26 v.

27 CHOCOLADEFABRIKEN LINDT &
 SPRUNGLI AG, *et al.*,

28 Counterclaim-defendants.

Case No. CV-08-5354 MMC

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND THE DEADLINE TO
 CONDUCT A MEDIATION PURSUANT
 TO ADR L.R. 6-5**

AND ORDER THEREON

STIPULATION AND [PROPOSED] ORDER
 CASE NO. CV-085354-MMC

1 Plaintiffs and Counterclaim-defendants CHOCOLADEFABRIKEN Lindt & Sprungli AG,
2 and Ghirardelli Chocolate Company ("Plaintiffs") and Defendants and Counterclaim-plaintiffs
3 The Hershey Company, and Hershey Chocolate & Confectionary Corporation ("Defendants"), by
4 and through counsel, hereby stipulate as follows:

5 **WHEREAS**, the parties have engaged in good-faith settlement discussions and have
6 reached an agreement in principle to settle the disputes at issue in this matter, and are currently
7 preparing a settlement agreement for execution;

8 **WHEREAS**, the deadline to complete mediation was set for June 25, 2009, however,
9 because of the parties' impending settlement they informed Mediator Mark John LeHocky that a
10 mediation was unnecessary;

11 **NOW THEREFORE**, pursuant to ADR L.R. 6-5, it is hereby stipulated and agreed by
12 and between the parties, through their counsel of record, with good cause having been shown, the
13 parties respectfully request that the Court extend the deadline by which the mediation shall be
14 conducted to September 1, 2009.

15
16 **IT IS SO STIPULATED:**

17 DATED: July 6, 2009

PERKINS COIE LLP

18 By: /s/

Jason A. Yurasek

19
20 Attorneys for Plaintiffs
CHOCOLADEFABRIKEN LINDT &
21 SPRUNGLI AG and GHIRARDELLI
CHOCOLATE COMPANY

22 DATED: July 6, 2009

KAYE SCHOLER LLP

23 By: /s/

Aton Arbisser

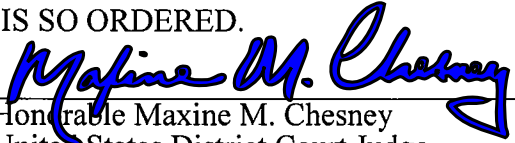
24
25 Attorneys for Defendants
26 THE HERSHEY COMPANY and HERSHEY
27 CHOCOLATE & CONFECTIONERY
28 CORPORATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 7, 2009


Honorable Maxine M. Chesney
United States District Court Judge

ATTESTATION

I hereby attest that express concurrence in the filing of this document has been obtained from the other signatory whose conformed signature appears on this efiled document.

DATED: July 6, 2009

PERKINS COIE LLP

By: /s/ _____
Jason A. Yurasek