

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

2 mwarnecke@perkinscoie.com
(Pro Hac Vice Application Pending)
3 DEBRA R. BERNARD (IL. Bar No. 6191217)

E-FILED 1/12/09

4 dbernard@perkinscoie.com
(Pro Hac Vice Application Pending)
PERKINS COIE LLP
5 131 S. Dearborn Street, Suite 1700
Chicago, IL 60603-5559
6 Telephone: 312.324.8400
Facsimile: 312.324.9400

7 JASON A. YURASEK (CA. Bar No. 202131)

8 jyurasek@perkinscoie.com
PERKINS COIE LLP
9 Four Embarcadero Center, Suite 2400
San Francisco, CA 94111-4131
10 Telephone: 415.344.3000
Facsimile: 415.344.7050

11 Attorneys for Plaintiffs
12 CHOCOLADEFABRIKEN LINDT &
13 SPRUNGLI AG and GHIRARDELLI
CHOCOLATE COMPANY

14 THOMAS A. SMART

15 tsmart@kayescholer.com
(Pro Hac Vice To Be Filed)
16 PAUL C. LEWELLYN
plewellyn@kayescholer.com
(Pro Hac Vice To Be Filed)

17 **KAYE SCHOLER LLP**
425 Park Avenue
18 New York, New York 10022
Telephone: (212) 836-8000
19 Facsimile: (212) 836-8689

ATON ARBISSER, (Bar No. 150496)

aton@kayescholer.com
KAYE SCHOLER LLP
1999 Avenue of the Stars, Suite 1700
Los Angeles, California 90067
Telephone: (310) 788-1000
Facsimile: (310) 788-1200

20 Attorneys For Defendants
21 THE HERSHEY COMPANY, a
Delaware corporation, and HERSHEY
22 CHOCOLATE & CONFECTIONARY
CORPORATION, a Delaware
corporation

Attorneys For Defendants
THE HERSHEY COMPANY, a
Delaware corporation, and HERSHEY
CHOCOLATE & CONFECTIONARY
CORPORATION, a Delaware
corporation

23
24 UNITED STATES DISTRICT COURT
25 NORTHERN DISTRICT OF CALIFORNIA
26
27
28

1 CHOCOLAFABRIKEN LINDT &
2 SPRUNGLI AG, a Swiss corporation, and
3 GHIRARDELLI CHOCOLATE
4 COMPANY, a California corporation,

5 Plaintiffs,

6 v.

7 THE HERSHEY COMPANY, a
8 Delaware corporation, and HERSHEY
9 CHOCOLATE & CONFECTIONARY
10 CORPORATION, a Delaware
11 corporation,

12 Defendants.

Case No. CV-08-5354 RS

STIPULATION AND ~~PROPOSED~~ ORDER
RE SERVICE OF PROCESS AND
EXTENSION OF TIME FOR DEFENDANTS
TO ANSWER OR OTHERWISE RESPOND
TO PLAINTIFFS' FIRST AMENDED
COMPLAINT

13 Plaintiffs CHOCOLAFABRIKEN Lindt & Sprungli AG, and Ghirardelli Chocolate
14 Company ("Plaintiffs") and Defendants The Hershey Company, and Hershey Chocolate &
15 Confectionary Corporation ("Defendants"), by and through counsel, hereby stipulate as follows:

16 **WHEREAS**, Plaintiffs filed an initial Complaint in this action on November 26th, 2008;

17 **WHEREAS**, an order setting initial case management conference and ADR deadlines was
18 filed on November 26th, 2008;

19 **WHEREAS**, the initial case management conference in this case was set for March 25th,
20 2009;

21 **WHEREAS**, Plaintiffs filed a First Amended Complaint in this action on December 8th,
22 2008;

23 **WHEREAS**, Defendants agreed to acknowledge receipt and accept service of the First
24 Amended Complaint through their counsel listed above in exchange for Plaintiffs' agreeing to
25 extend Defendants' time to answer or otherwise respond to Defendants' First Amended
26 Complaint to and including January 30, 2009.

27 **NOW THEREFORE**, the parties through their undersigned counsel hereby stipulate as
28 follows:

1 Defendants acknowledge receipt and accept service of the First Amended Complaint
2 through their counsel listed above, and Defendants shall answer or otherwise respond to the First
3 Amended Complaint on or before January 30, 2009.

4 **IT IS SO STIPULATED:**

5 DATED: January 9, 2009

PERKINS COIE LLP

6 By: /s/ _____
7 Jason A. Yurasek

8 Attorneys for Plaintiffs
9 CHOCOLADEFABRIKEN LINDT &
10 SPRUNGLI AG and GHIRARDELLI
11 CHOCOLATE COMPANY

11 DATED: January 9, 2009

KAYE SCHOLER LLP

12 By: /s/ _____
13 Aton Arbisser

14 Attorneys for Defendants
15 THE HERSHEY COMPANY and HERSHEY
16 CHOCOLATE & CONFECTIONERY
17 CORPORATION

17 **~~PROPOSED~~ ORDER**

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19 Dated: January 12, 2009

20 
21 _____
22 Honorable Richard Seeborg
23 United States District Court Magistrate Judge

22 **ATTESTATION**

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

25 DATED: January 9, 2009

PERKINS COIE LLP

26 By: /s/ _____
27 Jason A. Yurasek