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Attorneys for Defendant  
DESIGNED COOKIES, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DEBORAH NORK and BAKER'S  
BOUQUET,  
  
Plaintiffs,  
  
vs.  
  
DESIGNED COOKIES, INC.,  
  
Defendant.

No. CV 09-5336 CRB

**STIPULATION AND ~~[PROPOSED]~~  
ORDER WITHDRAWING  
DEFENDANT DESIGNED COOKIES  
INC.'S MOTION TO COMPEL  
ARBITRATION IN CALIFORNIA  
BEFORE THE AMERICAN  
ARBITRATION ASSOCIATION,  
REQUEST TO REMOVE HEARING  
FROM DOCKET, AND REQUEST FOR  
EXTENSION OF TIME TO ANSWER  
OR OTHERWISE RESPOND TO  
PLAINTIFFS' COMPLAINT**

Current Hearing Date: May 28, 2010  
Time: 8:30 a.m.  
Courtroom No. 8

Honorable Charles R. Breyer

1 Plaintiffs Deborah Nork and Baker's Bouquet ("Plaintiffs") and Defendant Designed  
2 Cookies, Inc. ("DCI"), by and through their respective counsel, hereby stipulate to the  
3 following:

4 On January 15, 2010, Defendant DCI filed a Motion To Compel Arbitration In California  
5 Before The American Arbitration Association, And To Dismiss Or Stay The Action Pending  
6 Arbitration ("Motion To Compel Arbitration"), which was originally set for hearing on February  
7 19, 2010. The hearing on the Motion to Compel Arbitration was subsequently continued on  
8 several occasions pursuant to the request of the parties.

9 To facilitate the continuation of settlement discussions and in order to avoid the expense  
10 associated with the hearing, the parties request that DCI's Motion to Compel Arbitration be  
11 withdrawn with prejudice to the re-filing of same. The parties intend to proceed with this  
12 litigation before this Court, and DCI has agreed not to seek to compel arbitration of this case in  
13 the future. Both parties have agreed to bear their own attorneys' fees and costs incurred in  
14 connection with briefing the Motion to Compel Arbitration.

15 The parties further request that the hearing on the Motion to Compel be removed from  
16 the Court's docket and that DCI be granted fourteen (14) days from the date of this Court's  
17 Order on this Motion to answer or otherwise respond to Plaintiffs' Complaint.

18  
19 Respectfully submitted,

20 Dated: May 26, 2010

GARDERE WYNNE SEWELL LLP

21 By: \_\_\_\_\_ /S/ Connor G. Sheehan  
22 CONNOR G. SHEEHAN  
23 Attorneys for Defendants  
DESIGNED COOKIES, INC.

24 Dated: May 26, 2010

ZARCO EINHORN SALKOWSKI & BRITO, P.A.

25 By: \_\_\_\_\_ /S/ Himanshu Patel  
26 HIMANSHU PATEL  
27 Attorneys for Plaintiffs  
DEBORAH NORK AND BAKER'S BOUQUET

28 ATTESTATION CLAUSE



CONNOR G. SHEEHAN

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~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation, it is hereby ordered that Designed Cookies Inc.'s Motion To Compel Arbitration In California Before The American Arbitration Association And To Dismiss Or Stay The Action Pending Arbitration shall be withdrawn (the "Motion to Compel Arbitration"), that the hearing on the Motion to Compel Arbitration will be removed from the Court's docket, and that Designed Cookies Inc. shall have 14 days from the date of this Order to file an answer or otherwise respond to Plaintiffs' Complaint.

IT IS SO ORDERED.

Dated: May 28, 2010

HONORABLE CHARLES R. BREYER  
UNITED STATES DISTRICT COURT JUDGE

