

1 KILPATRICK TOWNSEND & STOCKTON LLP  
 2 JAMES G. GILLILAND, JR. (State Bar No. 107988)  
 3 ROBERT D. TADLOCK (State Bar No. 238479)  
 4 Two Embarcadero Center Eighth Floor  
 5 San Francisco, CA 94111  
 Telephone: (415) 576-0200  
 Facsimile: (415) 576-0300  
 Email: rtadlock@kilpatricktownsend.com  
 jgilliland@kilpatricktownsend.com

6 IRIS SOCKEL MITRAKOS (State Bar No. 190162)  
 7 ELHAM F. STEINER (State Bar No. 250312)  
 8 12730 High Bluff Drive, Suite 400  
 San Diego, California 92130  
 Telephone: (858) 350-6100  
 Facsimile: (858) 350-6111  
 9 Email: ismitrakos@kilpatricktownsend.com  
 esteiner@kilpatricktownsend.com

10 Attorneys for Plaintiff  
 11 DREYER'S GRAND ICE CREAM, INC.

12 UNITED STATES DISTRICT COURT  
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION  
 15

16 DREYER'S GRAND ICE CREAM, INC. a  
 Delaware corporation,

17 Plaintiff,

18 v.

19 ICE CREAM DISTRIBUTORS OF  
 20 EVANSVILLE, LLC, a Kentucky limited  
 liability company, and SPIN CITY  
 21 HOLDINGS, LLC an Indiana limited liability  
 company,

22 Defendants.  
 23

Case No. 10-00317 EMC (LB)

**STIPULATION AND [~~PROPOSED~~]  
 ORDER TO CONTINUE SETTLEMENT  
 CONFERENCE**

Date: April 12, 2011

Time: 10:00 am

Mag. Judge: Honorable Laurel Beeler

24 Pursuant to ADR 7-4 and Civil L.R 6-2 and 7-12, Dreyer's Grand Ice Cream, Inc.  
 25 ("Dreyer's") and Ice Cream Distributors of Evansville, LLC and Spin City Holdings, (collectively  
 26 "Defendants") hereby stipulate and request and Order to continue the Settlement Conference  
 27 scheduled for April 12, 2011 until a date after the Court rules on the parties' pending Motions for  
 28



1 Summary Judgment.

2 **STIPULATION**

3 WHEREAS the Court has scheduled a settlement conference in the above-entitled action  
4 for April 12, 2011 at 10:00 a.m. (Dkt. No. 72);

5 WHEREAS the parties have each filed motions for summary judgment that the Court  
6 heard on March 23, 2011;

7 WHEREAS the parties believe a settlement conference before the Court rules on the  
8 parties' motions for summary judgment will not be productive;

9 WHEREAS the parties have previously stipulated to reschedule the settlement conference  
10 (Dkt. Nos. 37, 47, 53, 71);

11 IT IS HEREBY STIPULATED AND AGREED by and among the parties and their  
12 counsel that the Settlement Conference currently scheduled for April 12, 2011 shall be continued  
13 to June 7, 2011 at 10:00 a.m., or on a date and time thereafter chosen by the Court. The parties  
14 propose that the settlement conference not be rescheduled until the Court rules on the parties'  
15 motions for summary judgment.

16 DATED: April 4, 2011

Respectfully submitted,  
KILPATRICK TOWNSEND & STOCKTON LLP

18

19

20

By: /s/ Robert D. Tadlock  
Robert D. Tadlock  
Attorneys for Plaintiff  
DREYER'S GRAND ICE CREAM, INC.

21

22

23 DATED: April 4, 2011

BRACAMONTES & VLASAK

24

25

By: /s/ Michael R. Bracamontes  
Michael R. Bracamontes  
Attorneys for Defendant  
ICE CREAM DISTRIBUTORS OF EVANSVILLE,  
LLC and SPIN CITY HOLDINGS, LLC

26

27

28



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

**ORDER**

PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS ORDERED that the Settlement Conference shall be continued to June 8, 2011 at 10 am. Settlement Conference Statements are due on June 1, 2011.

DATED: April 6, 2011

Honorable Laurel Beeler  
United States Magistrate Judge  
Judge Laurel Beeler

