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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)

**JOINT STIPULATION REQUESTING
 THE COURT TO VACATE THE JUNE 8,
 2011 SETTLEMENT CONFERENCE
 AND [PROPOSED] ORDER**

Date: June 8, 2011
 Time: 10:00 am
 Mag. Judge: Honorable Laurel Beeler

24 Pursuant to ADR 7-4 and Civil L.R. 7-12, Dreyer’s Grand Ice Cream, Inc. (“Dreyer’s”) and Ice Cream Distributors of Evansville, LLC and Spin City Holdings (collectively “Defendants”) hereby stipulate and request an Order vacating the Settlement Conference scheduled for June 8, 2011 due to the Court’s April 20, 2011 Order on the parties’ cross-motions



1 for summary judgment.

2 **STIPULATION**

3 WHEREAS the Court has scheduled a settlement conference in the above-entitled action
4 for June 8, 2011 at 10:00 a.m. (Dkt. No. 105);

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

7 WHEREAS the Court granted Dreyer's motion for summary judgment on April 20, 2011
8 and instructed Dreyer's counsel to contact the Court to vacate the settlement conference (Dkt. No.
9 108);

10 WHEREAS the parties have previously stipulated to reschedule the settlement conference
11 (Dkt. Nos. 37, 47, 53, 71, 104);

12 IT IS HEREBY STIPULATED AND AGREED by and among the parties and their
13 counsel that the Settlement Conference currently scheduled for June 8, 2011 shall be vacated.

14 DATED: April 29, 2011

Respectfully submitted,

15 KILPATRICK TOWNSEND & STOCKTON LLP

16
17 By: /s/ Robert D. Tadlock

18 Robert D. Tadlock

19 Attorneys for Plaintiff

DREYER'S GRAND ICE CREAM, INC.

20 DATED: April 29, 2011

BRACAMONTES & VLASAK

21
22 By: /s/ Michael R. Bracamontes

23 Michael R. Bracamontes

24 Attorneys for Defendant

25 ICE CREAM DISTRIBUTORS OF EVANSVILLE,
26 LLC and SPIN CITY HOLDINGS, LLC

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ORDER

PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS ORDERED that the Settlement Conference scheduled for June 8, 2011 at 10:00 am is vacated.

DATED: May 3, 2011

