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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

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: March 7, 2011
 Time: 9:30 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 March 7, 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 March 7, 2011 at 9:30 a.m. (Dkt. No. 53);

5 WHEREAS the parties have each filed motions for summary judgment set for hearing on
6 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);

11 IT IS HEREBY STIPULATED AND AGREED by and among the parties and their
12 counsel that the Settlement Conference currently scheduled for March 7, 2011 shall be continued.
13 The parties propose that the settlement conference not be rescheduled until the Court rules on the
14 parties' motions for summary judgment.

15 DATED: February 22, 2011

Respectfully submitted,

16 KILPATRICK TOWNSEND & STOCKTON LLP

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18 By: /s/ Robert D. Tadlock

19 Robert D. Tadlock

20 Attorneys for Plaintiff

DREYER'S GRAND ICE CREAM, INC.

21 DATED: February 22, 2011

BRACAMONTES & VLASAK

22
23 By: /s/ Michael R. Bracamontes

24 Michael R. Bracamontes

25 Attorneys for Defendant

26 ICE CREAM DISTRIBUTORS OF EVANSVILLE,
27 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 shall be continued to April 12, 2011 at 10 am. Settlement Conference Statements are due on April 5, 2011.

DATED: February 22, 2011

Honorable Laurel Beeler
United States Magistrate Judge
Judge Laurel Beeler

