

<p>1 McELROY, DEUTSCH, MULVANEY & 2 CARPENTER, LLP 3 ROBERT P. DONOVAN (Appearing <i>Pro</i> 4 <i>Hac Vice</i>) 5 rdonovan@mdmc-law.com 6 LEWIS H. GOLDFARB (<i>Pro Hac Vice</i> to be 7 filed) 8 lgoldfarb@mdmc-law.com 9 Three Gateway Center 10 100 Mulberry Street 11 Newark, New Jersey 07102 12 Telephone: (973) 622-7711 13 Facsimile: (973) 622-5314</p> <p>8 SEDGWICK LLP 9 KEVIN J. DUNNE (Bar No. 40030) 10 kevin.dunne@sedgwicklaw.com 11 333 Bush Street, 30th Floor 12 San Francisco, California 94104 13 Telephone: (415) 781-7900 14 Facsimile: (415) 781-2635</p> <p>12 Attorneys for Defendants 13 ARIZONA BEVERAGES USA LLC, 14 HORNELL BREWING CO., INC., d/b/a FEROLITO, VULTAGGIO & SONS, INC. and BEVERAGE MARKETING USA, INC.</p>	<p>BAKER LAW PC G. RICHARD BAKER Bar No. 224003 richard@bakerlawpc.com 2229 First Avenue North Birmingham, Alabama 35203 Telephone: (205) 241-9608 Facsimile: (205) 449-0050</p> <p>JACKSON & TUCKER PC JOSEPH L. TUCKER (<i>pro hac vice</i>) josh@jacksonandtucker.com 2229 First Avenue North Birmingham, Alabama 35203 Telephone: (205) 252-3535 Facsimile: (205) 252-3536</p> <p>Attorneys for Plaintiffs LAUREN RIES and SERENA ALGOZER</p> <p>(Additional counsel listed on signature page)</p>
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15 UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

19 LAUREN RIES and SERENA ALGOZER,
20 individuals on behalf of themselves and all
others similarly situated,

21 Plaintiffs,

22 v.

23 HORNELL BREWING COMPANY, INC., *et*
24 *al.*, Defendants.

CASE NO. CV 3:10-cv-01139-RS

**STIPULATION AND ~~[PROPOSED]~~
ORDER CONTINUING BRIEFING
AND HEARING SCHEDULE FOR
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT AND
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

1 **TO THE COURT, AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 THIS STIPULATION, entered into by and between plaintiffs, Lauren Ries and Serena
3 Algozer (“Plaintiffs”), and defendants, Hornell Brewing Co., Inc. d/b/a Ferolito Vultaggio &
4 Sons, Inc., Beverage Marketing USA, Inc. and Arizona Beverages USA, LLC (“Defendants”),
5 hereby respectfully request a continuance of the briefing and hearing schedule for Plaintiffs’
6 Motion for Class Certification [DE 116] and Defendants’ Motion for Summary Judgment [DE
7 111].

8 The parties jointly propose the following schedule:

- 9 (1) Defendants’ motion for summary judgment and Plaintiffs’ motion for class
10 certification shall be heard **September 27, 2012;**
11 (2) Defendants’ opposition to Plaintiffs’ motion for class certification and Plaintiffs’
12 opposition to Defendants’ motion for summary judgment will be due **September**
13 **6, 2012;** and
14 (3) Respective reply briefs will be due **September 13, 2012.**

15 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:**

16 DATED: August 7, 2012

16 SEDGWICK LLP

17
18 By: /s/ Kevin J. Dunne
19 Kevin J. Dunne (Bar No. 40030)

20 MCELROY, DEUTSCH, MULVANEY & CARPENTER,
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& SONS, INC. and BEVERAGE MARKETING USA,

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INC.

DATED: August 7, 2012

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By: /s/ Joseph L. Tucker (with permission)

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Attorneys for Plaintiffs
LAUREN RIES and SERENA ALGOZER

~~[PROPOSED]~~ **ORDER**

Pursuant to the stipulation of the parties, and good cause appearing therefor,

IT IS SO ORDERED.

DATED: August 7, 2012



THE HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE