

MORRIS J. BALLER, CA Bar No. 048928
mballer@gdblegal.com
SARAH K. WEBB, CA Bar No. 263968
swebb@gdblegal.com
GOLDSTEIN, DEMCHAK, BALLER,
BORGES & DARDARIAN
300 Lakeside Drive, Suite 1000
Oakland, CA 94612
(510) 763-9800
(510) 835-1417 (Fax)

JULIAN HAMMOND, CA Bar No. 268489
Hammond.julian@gmail.com
HammondLaw, PC
1180 S. Beverly Drive, Suite 601
Los Angeles, CA 90035
(310) 601-6766
(310) 295-2385 (Fax)

Attorneys for Plaintiffs

KEITH R. THORELL, CA Bar No. 199558
keith@kkks.com

LAUREN F. HAGER, CA Bar No. 256003
LaurenH@kkks.com

KORSHAK, KRACOFF, KONG & SUGANO, LLP
Westwood Terrace
1640 S. Sepulveda Blvd., Suite 520
Los Angeles, CA 90025
(310) 996-2340
(310) 996-2334 (Fax)

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

Gene Jovich and Hung Tran, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

Southern Wine & Spirits of America, Inc., a
Florida Corporation,

Defendant.

Case No.: CV 10-04405 JSW

**STIPULATION AND ~~PROPOSED~~ ORDER
VACATING CASE MANAGEMENT
CONFERENCE**

Date: September 28, 2012

Time: 1:30 p.m.

Ctrm: 11

Judge: Hon. Jeffrey S. White

1 The parties hereby stipulate and jointly request that the Court vacate the Case Management
2 Conference currently scheduled for September 28, 2012 in light of the pendency of the Final Approval
3 Hearing scheduled for December 7, 2012.

4 This Stipulation and request is based on the following facts:

5 A. The parties, through arms-length negotiation and assisted by the Honorable Edward A.
6 Panelli (Retired), reached an agreement to settle.

7 B. The parties reduced the terms of the settlement to a formal Settlement Agreement and
8 submitted said agreement to the Court for preliminary approval.

9 C. On July 27, 2012, the Court issued an Order Granting Plaintiffs' Motion for Preliminary
10 Approval of the settlement.

11 D. Since Preliminary Approval, the parties have worked diligently with settlement
12 administrator Kurtzman Carson Consultants LLC, to comply with the deadlines set forth in the
13 Settlement Agreement. As such, the Class Notice was mailed to Class Members on Thursday, August
14 16, 2012. Since that time, Kurtzman Carson Consultants LLC has been actively monitoring, receiving
15 and processing claim forms, challenges, opt-outs and objections submitted by Class Members.

16 E. The deadline for Class Members to submit requests for exclusion or to object to the
17 settlement is October 15, 2012.

18 F. In granting Preliminary Approval, the Court set December 7, 2012 as the date of the
19 Final Approval Hearing.

20 G. Counsel for the parties believe that it would be appropriate, in light of the Final
21 Approval Hearing scheduled for December 7, 2012 and of the foregoing information which is all that
22 the parties could report to the Court if the CMC were to be held, and given that the monitoring of Class
23 Member responses to the Class Notice is an active and ongoing process, for the Court to vacate the
24 CMC currently scheduled for September 28, 2012.


25 For the reasons stated above, the parties jointly request that the Court enter an Order Vacating
26 the Case Management Conference currently scheduled for September 28, 2012 in light of the pending
27 final approval hearing scheduled for December 7, 2012.

28 A proposed Order is set forth below.

1 Dated: September 21, 2012

Respectfully submitted,

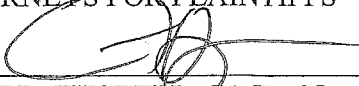
2 GOLDSTEIN, DEMCHAK, BALLER, BORGEN &
3 DARDARIAN

4 
5 MORRIS J. BALLER, CA Bar No. 048928
6 mballer@gdblegal.com
7 JAMES KAN, CA Bar No. 240749
8 jkan@gdblegal.com
300 Lakeside Drive, Suite 1000
Oakland, CA 94612
(510) 763-9800
(510) 835-1417 (Fax)

9 JULIAN HAMMOND, CA Bar No. 268489
10 Hammond.julian@gmail.com
HammondLaw, PC
11 1180 S. Beverly Drive, Suite 601
Los Angeles, CA 90035
12 (310) 601-6766
(310) 295-2385 (Fax)

13 ATTORNEYS FOR PLAINTIFFS

14 Dated: September 21, 2012

15 
16 KEITH R. THORELL, CA Bar No. 199558
keith@kkks.com
17 LAUREN F. HAGER, CA Bar No. 256003
LaurenH@kkks.com
18 KORSHAK, KRACOFF, KONG & SUGANO, LLP
Westwood Terrace
1640 S. Sepulveda Blvd., Suite 520
Los Angeles, CA 90025
19 (310) 996-2340
(310) 996-2334 (Fax)

20 Attorneys for Defendants

~~PROPOSED~~ ORDER

Upon the parties' stipulation, and for good cause shown, it is hereby ORDERED that:

1. The Case Management Conference previously scheduled in this case for September 28, 2012, shall be vacated in light of the Final Approval Hearing scheduled for December 7, 2012.

September 24
Dated: _____, 2012



HON. JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE