

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

_____	:	
CHURCH & DWIGHT CO., INC.,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	No.: CV10-04429 EMC
	:	
MAYER LABORATORIES, INC.,	:	
	:	
Defendant.	:	
_____	:	

STIPULATION

Plaintiff Church & Dwight Co., Inc. (“Church & Dwight”) and Defendant Mayer Laboratories, Inc. (“Mayer”) hereby stipulate and agree as follows:

1. Mayer’s pending Motion for Sanctions as a Result of Spoliation of Evidence (Docket No. 239) shall be withdrawn by Mayer and dismissed with prejudice and with each party to bear its own costs and attorneys’ fees, and Mayer states as follows:

a. Of the thousands of emails sent or received by James Craigie that were produced by Church & Dwight in this litigation, not one was cited, referenced or included with the summary judgment papers filed by the parties or referenced at oral argument on the summary judgment motion.

b. In turn, Mayer did not identify in its summary judgment papers any specific emails deleted by Mr. Craigie that were relevant to the issues before Judge Chen in the determination of summary judgment and the Court’s resulting Order.

IT IS SO STIPULATED.

Date: March 28, 2012

Respectfully submitted,

/s/ Carl W. Hittinger
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*Attorneys for Defendant Mayer
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

