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Attorneys for Defendant
5 Driscoll Strawberry Associates, Inc.
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8 IN THE UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 DG BERRY, INC, a California Corporation

11 Plaintiff,

12 v.

13 DRISCOLL STRAWBERRY ASSOCIATES,
14 INC., a California Corporation

15 Defendant.
16
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) Case No. CV13- 1236 EMC
)
)

) **STIPULATION AND ORDER TO RE-**
) **SET STATUS CONFERENCE**
)

) **Date: September 5, 2013**
) **Time; 9:00 a.m.**
) **Judge: Hon. Edward Chen**
)
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18 Plaintiff DG Berry, Inc. and Defendant Driscoll Strawberry Associates, Inc., by and
19 through their respective counsel, hereby stipulate as follows:

20 **RECITALS**

21 1. In their Joint Case Management Conference Statement, the parties notified the
22 Court that they had set mediation of this case with Retired Judge Richard Silver through JAMS
23 and have previously three times applied for and received continuations of the Case
24 Management Conference due to the ongoing process of mediation.

25 2. By its Order dated August 15, 2013, the Court re-set the Case Management
26 Conference to September 5, 2013 at 9:00.a.m.

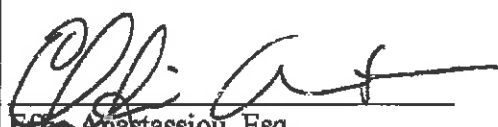
1 3. The parties agreed to Judge Silver's recommended settlement terms, and are now
2 circulating drafts of the settlement agreement to address and finalize certain open issues in the
3 text. The parties expect to finalize and sign the settlement agreement in the next two weeks and
4 when payment is made within the thirty (30) day period thereafter as provided in the draft
5 agreement, then the case will be dismissed.

6 NOW THEREFORE, in light of the above-recited facts, the parties respectfully request
7 that the Case Management Conference be reset to a date after October 21, 2013. If that is
8 agreeable to the Court, counsel list the dates in the next two months during which they are not
9 available below:


10 Defendant's counsel, James W. Sullivan plans to be out of the country from October 5
11 through October 21, 2013. He is also unavailable on September 23, 2013.

12 Plaintiff's counsel, Effie Anastassiou is not available on September 23-25, October 10-
13 11, and 21, November 5, 6, 18, and 25, and December 2, 2013.

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16 IT IS SO STIPULATED

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20 Effie Anastassiou, Esq.
21 Anastassiou & Associates
22 Attorneys for Plaintiff
23 DG Berry, Inc.

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27 Dated: 9/3/13

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20 James W. Sullivan, Esq.
21 L&G, LLP
22 Attorneys for Defendant Driscoll
23 Strawberry Associates, Inc.

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CASE MANAGEMENT ORDER

The above stipulation is approved. The Case Management Conference, currently set for September 5, 2013 is hereby continued to:

Date: 10/31/13
Time: 9:00 a.m.
Courtroom: 5

IT IS SO ORDERED

Dated: 9/3/13

