

1 Lauren M. Michals, State Bar No. 184473  
 lmichals@nixonpeabody.com  
 2 Scott S. Shepardson, State Bar No. 197446  
 sshepardson@nixonpeabody.com  
 3 Shady E Joulani, State Bar No. 287910  
 sjoulani@nixonpeabody.com  
 4 NIXON PEABODY LLP  
 One Embarcadero Center, 18th Floor  
 5 San Francisco, CA 94111-3600  
 Tel: 415-984-8200  
 6 Fax: 415-984-8300

7 Attorneys for Plaintiff  
 AMERICAN LICORICE COMPANY

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

12 AMERICAN LICORICE COMPANY,  
 13 Plaintiff,  
 14 vs.  
 15 TOTAL SWEETENERS, INC. dba BATORY  
 FOODS, INC. and DOES 1 through 10  
 16 Inclusive,  
 17 Defendants.

Case No. 3:13-cv-01929-EMC

**JOINT STIPULATION AND  
 [PROPOSED] ORDER RE PLAINTIFF  
 AMERICAN LICORICE COMPANY'S  
 RESPONSES TO DEFENDANT  
 TOTAL SWEETENERS, INC.'S  
 REQUESTS FOR ADMISSIONS, SET  
 ONE**

Judge: Hon. Edward M. Chen

Courtroom: 5

18 TOTAL SWEETENERS, INC., individually  
 19 and doing business as BATORY FOODS,  
 20  
 Third-party Plaintiff,  
 21 vs.  
 22 SAVANNAH SUGAR REFINERY, a  
 23 subsidiary of IMPERIAL SUGAR  
 COMPANY; IMPERIAL SUGAR  
 24 COMPANY; IMPERIAL DISTRIBUTING,  
 INC.; DOMINO FOODS, INC.; and ROES 1  
 25 through 10, inclusive,  
 26 Third-party Defendants.

1 Pursuant to Civil Local Rule 7-12, Plaintiff American Licorice Company (hereafter  
2 “Plaintiff”) and Defendant and Third-Party Plaintiff Total Sweeteners, Inc., individually and  
3 doing business as Batory Foods, Inc. (hereafter “Defendant”) by and through their respective  
4 counsel enter into the following stipulation:

5 WHEREAS, Defendant’s counsel contends it served on Plaintiff’s counsel Defendant  
6 Total Sweeteners, Inc.’s Requests for Admissions, Set One, on June 6, 2014.

7 WHEREAS, Plaintiff has no record of receiving Defendant’s Requests for Admissions,  
8 Set One, until counsel for Defendant contacted counsel for Plaintiff by e-mail regarding the same  
9 on or about November 25, 2014.

10 WHEREAS, Defendant provided Plaintiff with proof of service, and confirmed that other  
11 parties had received the Requests for Admission at issue.

12 WHEREAS, after meeting and conferring, Plaintiff responded to Defendant’s Requests  
13 for Admissions, Set One, on December 31, 2014, despite having no record of being formally  
14 served with this set of Requests for Admission.

15 WHEREAS, Plaintiff and Defendant have met and conferred regarding the status of  
16 Defendant’s Requests for Admissions, Set One.

17 THEREFORE, Plaintiff and Defendant stipulate that Plaintiff is not deemed to have  
18 admitted, any of the matters contained in Defendant’s Requests for Admissions, Set One as a  
19 result of failure to respond to that discovery.

20 THEREFORE, Plaintiff and Defendant stipulate that the operative responses and  
21 objections to Defendant’s Requests for Admissions, Set One, are those that were served on  
22 Defendant on December 31, 2014.

23 **IT IS SO STIPULATED:**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: February 12, 2015

NIXON PEABODY LLP

By: /s/ Shady E. Joulani  
Lauren M. Michals  
Scott S. Shepardson  
Shady E Joulani  
Attorneys for Plaintiff  
AMERICAN LICORICE COMPANY

Dated: February 12, 2015

GORDON & REES LLP

By: /s/ Richard R. Ames  
Mordecai D. Boone  
Richard Ames  
Attorneys for Defendant  
TOTAL SWEETENERS, INC.,  
individually and doing business as  
BATORY FOODS

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 2/17/15

