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6 Attorneys for Defendant
TOTAL SWEETENERS, INC., individually
7 and doing business as BATORY FOODS

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

11 AMERICAN LICORICE COMPANY)	CASE NO. 2013-cv-01929 EMC
12)	
13 vs.)	STIPULATION AND [PROPOSED]
14)	ORDER FOR EXTENSION OF
15 TOTAL SWEETENERS, INC.; BATORY FOODS,)	TIME TO FILE AND SERVE
INC. and DOES 1 through 10, Inclusive)	OPPOSITION AND REPLY
16)	BRIEFS RE: DEFENDANT'S
17 Defendant.)	MOTION TO DISMISS
)	[DOCKET NO. 22]
)	Hearing Date: August 1, 2013

19 Pursuant to Civil L.R. 6-1(b) and 6-2(a), Plaintiff American Licorice Company (hereafter
20 "Plaintiff") and Defendant Total Sweeteners, Inc., individually and doing business as Batory
21 Foods (hereafter "Defendant") (collectively, the "parties"), through their respective counsel of
22 record, hereby stipulate as follows:

23 WHEREAS, on June 14, 2013, Defendant filed a Motion to Dismiss Plaintiff's First
24 Amended Complaint for Failure to State a Claim, Federal Rule of Civil Procedure 12(b)(6)
25 [Docket No. 22] ("Defendant's Motion");

26 WHEREAS, Plaintiff's opposition to Defendant's Motion is currently due to be filed and
27 served on June 28, 2013, and Defendant's Reply in support of Defendant's Motion is currently
28 due to be filed and served on July 5, 2013 (Civil L.R. 7-3(a), 7-3(b));

WHEREAS, the hearing date for Defendant's Motion is August 1, 2013;

WHEREAS, Defendant's counsel will be traveling during the week of July 1-7, 2013, and will be unavailable to prepare Defendant's Reply in support of Defendant's Motion in time for the current due date of July 5th;

WHEREAS, in light of Defendant's counsel's unavailability, and because an extension will not interfere with the current hearing date for Defendant's motion nor will it interfere with the Court's opportunity to obtain and review the parties' briefs well in advance of the hearing, both parties agree good cause exists to support a briefing extension;

THEREFORE, both parties have mutually agreed to 10-day extensions of time to file and serve their opposition and reply briefs, pursuant to which Plaintiff's Opposition to Defendant's Motion will be filed and served no later than July 8, 2013, and Defendant's Reply will be filed and served no later than July 15, 2013.

SO STIPULATED:

NIXON PEABODY LLP

Dated: June 26, 2013

By: 
Lauren Marian Michals
Counsel for Plaintiff American Licorice Company

GORDON & REES LLP

Dated: June 26, 2013

By: /s/ Kara Persson
Mordecai D. Boone / Kara Persson
Counsel for Defendant Total Sweeteners, Inc.,
individually and doing business as Batory Foods

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 27, 2013

HON.
United


GRANTED
Judge Edward M. Chen



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Attorneys for Defendant

TOTAL SWEETENERS, INC. dba BATORY FOODS

(Incorrectly sued herein as Total Sweeteners, Inc.

and Batory Foods, Inc.)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

AMERICAN LICORICE COMPANY

Plaintiff,

vs.

TOTAL SWEETENERS, INC.; BATORY FOODS,
INC. and DOES 1 through 10, Inclusive

Defendant.

CASE NO. 2013-CV-01929-EMC

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Gordon & Rees LLP, 275 Battery Street, Suite 2000, San Francisco, CA 94111. On June 26, 2013, I served the within documents:

STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF TIME TO FILE AND SERVE OPPOSITION AND REPLY BRIEFS RE: DEFENDANT'S MOTION TO DISMISS [DOCKET NO. 22]

☒ **BY ELECTRONIC CASE FILING.** I caused the above-entitled document(s) to be electronically filed and served on designated recipients through the Electronic Case Filing system for the above-entitled case. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail.

☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in United States mail in the State of California at San Diego, addressed as set forth below.

I declare under penalty of perjury under the laws of the United States that the above is true and correct.

Executed on June 26, 2013, at San Diego, California.

/s/ Coral M. Rogers
Coral M. Rogers