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9 *PATRICK E. BROOKHOUSER, JR.*
 10 *PRO HAC VICE APPLICATION TO BE SUBMITTED*
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18 Attorneys for Third-Party Defendants Imperial Sugar Company,
 19 Imperial Distributing, Inc., and Savannah Sugar Refinery,
 20 erroneously listed as a company separate from Imperial Sugar
 21 Company

22 **UNITED STATES DISTRICT COURT**
 23 **NORTHERN DISTRICT OF CALIFORNIA**

24 AMERICAN LICORICE COMPANY,
 25
 26 Plaintiff,

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

27 v.

28 TOTAL SWEETENERS, INC.; individually
 29 and doing business as BATORY FOODS,
 30 INC., and DOES 1 through 10 Inclusive,
 31
 32 Defendant.

**STIPULATION AND [PROPOSED]
 ORDER EXTENDING TIME FOR
 THIRD-PARTY DEFENDANTS
 SAVANNAH SUGAR REFINERY,
 IMPERIAL SUGAR COMPANY, AND
 IMPERIAL DISTRIBUTING, INC. TO
 RESPOND TO THIRD-PARTY
 COMPLAINT**

33 _____
 34 TOTAL SWEETERS, INC., individually and
 35 doing business as BATORY FOODS,
 36
 37 Third-party Plaintiff,
 38 _____

Honorable Edward M. Chen

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v.

SAVANNAH SUGAR REFINERY, a
subsidiary of IMPERIAL SUGAR
COMPANY; IMPERIAL SUGAR
COMPANY; IMPERIAL DISTRIBUTING,
INC., DOMINO FOODS, INC.; and DOES 1
through 10, inclusive,

Third-Party Defendants.

WHEREAS the Summons and Third-Party Complaint were served on Imperial Sugar
Company and Imperial Distributing, Inc. on September 20, 2013, making a response to the
Third-Party Complaint due on October 11, 2013;

WHEREAS a summons addressed to Savannah Sugar Refinery, identified as a subsidiary
of Imperial Sugar Company, was served on September 20, 2013, making any response to the
Third-Party Complaint due on October 11, 2013;

WHEREAS, Counsel for Imperial Sugar Company has informed counsel for the Third-
Party Plaintiff that it appears that Savannah Sugar Refinery is not a company separate from
Imperial Sugar Company;

WHEREAS, Counsel for Imperial Sugar Company, Imperial Distributing, Inc., and
Savannah Sugar Refinery (erroneously listed as a company separate from Imperial Sugar
Company), desires additional time beyond October 11, 2013 to prepare a response to the Third-
Party Complaint;

Whereas, Counsel for Imperial Sugar Company, Imperial Distributing, Inc., and
Savannah Sugar Refinery (erroneously listed as a company separate from Imperial Sugar
Company) are still evaluating the Third-Party Complaint but anticipate filing a Motion to
Dismiss;

1 WHEREAS, this request for an extension of time is made in good faith and not for the
2 purpose of delay, and will not unfairly prejudice any party;

3 WHEREAS, Third-Party Plaintiff and its counsel do not object to this extension, however
4 if a motion to dismiss is filed by Third-Party Defendants, Third-Party Plaintiff anticipates that
5 the current date for mediation may need to be moved and may so request the Court;

6 IT IS HEREBY STIPULATED, by and between Third-Party Plaintiff and the Third-Party
7 Defendants Imperial Sugar Company, Imperial Distributing, Inc. and Savannah Sugar Refinery
8 (erroneously listed as a company separate from Imperial Sugar Company) that the deadline for
9 those Third-Party Defendants to file their response to the Third-Party Complaint is extended by
10 seven (7) days to and including October 18, 2013.

11 Dated: October 10, 2013

LOMBARDI, LOPER & CONANT, LLP

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13
14 By: /s/ Ralph A. Lombardi
RALPH A. LOMBARDI

15
16 and

17 PATRICK E. BROOKHOUSER, JR.
18 *(Pro Hac Vice application to be
submitted)*

19 MCGRATH NORTH MULLIN & KRATZ,
20 PC LLO

21 Attorneys for Third-Party Defendants
22 Imperial Sugar Company, Imperial
23 Distributing, Inc., and Savannah Sugar
24 Refinery, Erroneously Listed As A
25 Company Separate From Imperial Sugar
Company

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GORDON & REES LLP

By: /s/ Mordecai D. Boone
MORDECAI D. BOONE
KARA PERSSON

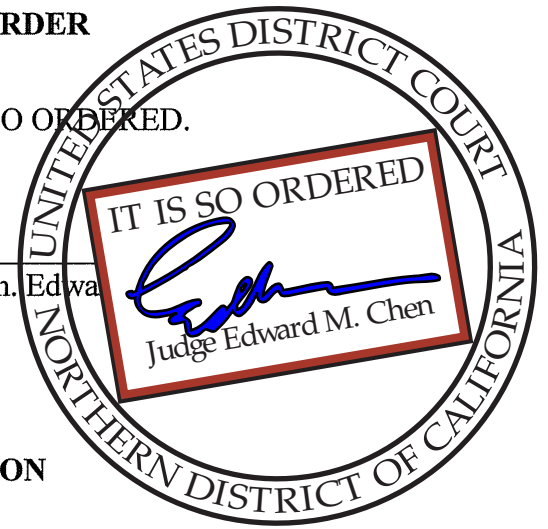
Attorneys for Third-Party Plaintiff
Total Sweeteners, Inc. d/b/a Batory Foods

~~[PROPOSED]~~ ORDER

GOOD CAUSE APPEARING, IT IS SO ORDERED.

DATED: 10/15/13

Hon. Edwa



ATTESTATION

I, Ralph A. Lombardi, hereby attest pursuant to N.D. Cal. Local Rule 5.1(i)(3) that concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: October 10, 2013

/s/ Ralph A. Lombardi
Ralph A. Lombardi