

Gordon & Rees LLP
275 Battery Street, Suite 2000

1 MORDECAI D. BOONE (SBN 196811)
2 mboone@gordonrees.com
3 KARA PERSSON (SBN 210582)
4 kpersson@gordonrees.com
5 GORDON & REES LLP
6 275 Battery Street, Suite 2000
7 San Francisco, CA 94111
8 Telephone: (415) 986-5900
9 Facsimile: (415) 986-8054

10 Attorneys for Defendant
11 TOTAL SWEETENERS, INC., individually
12 and doing business as BATORY FOODS

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 AMERICAN LICORICE COMPANY,) CASE NO. 2013-cv-01929 EMC
16)
17 Plaintiff,)
18 vs.)
19) **STIPULATION AND**
20) **[PROPOSED] ORDER**
21) **EXTENDING AND SETTING**
22) **TIME FOR MEDIATION**
23 TOTAL SWEETENERS, INC.; BATORY FOODS,)
24 INC. and DOES 1 through 10, Inclusive,)
25)
26 Defendant.) Honorable Edward M. Chen
27)
28)

29 TOTAL SWEETENERS, INC.; BATORY FOODS,)
30 INC. and DOES 1 through 10, Inclusive,)
31)
32 Third-Party Plaintiff,)
33)
34 vs.)
35)
36 SAVANNAH SUGAR REFINERY, a subsidiary of)
37 IMPERIAL SUGAR COMPANY; IMPERIAL)
38 SUGAR COMPANY; IMPERIAL DISTRIBUTING,)
39 INC., DOMINO FOODS, INC.; and DOES 1)
40 through 10, Inclusive,)
41)
42 Third-Party Defendants.)
43)
44)

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

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

WHEREAS, a Case Management Conference was held on August 22, 2013, wherein the Court ordered that third parties were to be added within 30 days, and the Mediation of this action was to be completed by January 15, 2014;

WHEREAS, a Third Party Complaint was filed and served on or before September 20, 2013;

WHEREAS, third party defendants have filed Motions to Dismiss the Third Party Complaint, which are not set for hearing until December 12, 2013;

WHEREAS, deposition discovery will not proceed until the Motions to Dismiss the Third Party Complaint have been determined;

WHEREAS, the plaintiff, defendant and third party defendants have met with the assigned mediator in this action and agree that a meaningful mediation cannot proceed until there is an opportunity to conduct deposition discovery, and that appropriate deposition discovery cannot proceed until the pending Motions to Dismiss the Third Party Complaint have been determined;

WHEREAS, the parties in good faith and not for the purpose of delay, request an extension of time to mediate this action, and

WHEREAS, the parties' agreement to mediate this matter in March 2014, with the assigned mediator Peter Smith, will not unfairly prejudice any party;

IT IS HEREBY STIPULATED, by and between Plaintiff, American Licorice Company, Defendant and Third Party Plaintiff Total Sweeteners, Inc., individually and doing business as Batory Foods, and Third-Party Defendants Imperial Sugar Company, Imperial Distributing, Inc. and Savannah Sugar Refinery (erroneously listed as a company separate from Imperial Sugar Company) and Domino Foods, Inc. that the deadline to complete mediation in this matter is extended, and that mediation will proceed with assigned mediator Peter Smith of Dhillon & Smith no later than March 31, 2014.

///
///

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

SO STIPULATED:

NIXON PEABODY LLP

Dated: December 2, 2013

By: _____ /s/
Lauren Marian Michals
Counsel for Plaintiff
American Licorice Company

GORDON & REES LLP

Dated: December 2, 2013

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

LOMBARDI, LOPER & CONANT, LLP

Dated: December 2, 2013

By: _____ /s/
Ralph A. Lombardi
and
Patrick E. Brookhouser, Jr.
(Pro Hac Vice application to be submitted)
MCGRATH NORTH MULLIN & KRATZ,
PC LLO
Counsel for Third-Party Defendants Imperial
Sugar Company, Imperial Distributing, Inc., and
Savannah Sugar Refinery, Erroneously Listed as
a Company Separate From Imperial Sugar
Company

BINGHAM McCUTCHEN LLP

Dated: December 3, 2013

By: _____ /s/
Colin C. West
Counsel for Third-Party Defendant
Domino Foods, Inc.

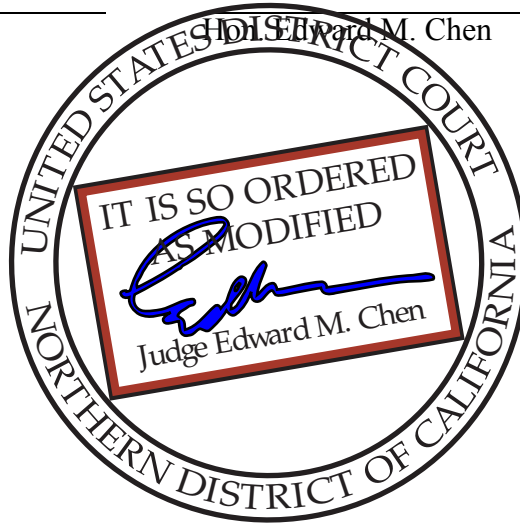
~~[PROPOSED]~~ ORDER

GOOD CAUSE APPEARING, IT IS SO ORDERED.

The Case Management conference is reset from 2/13/14 to 3/27/14 at 10:30 am.

DATED: 12/9/13 _____

Edward M. Chen



Gordon & Rees LLP
275 Battery Street, Suite 2000

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

**Gordon & Rees LLP
275 Battery Street, Suite 2000**

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