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2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4 (OAKLAND DIVISION)

5 CASE NO. C 08-2850 WDB

6 FAMILYMEDS, INC., a Connecticut
7 corporation; and FAMILYMEDS GROUP,
8 INC. a Nevada corporation, f/k/a DRUGMAX,
9 INC., a Nevada corporation,

**STIPULATION TO CONTINUE ADR AND
DISCLOSURE DEADLINES; ORDER
THEREON**

10 Plaintiffs,

11 v.

12 MCKESSON CORPORATION, a Delaware
13 corporation; and D&K HEALTHCARE
14 RESOURCES LLC, a Delaware limited
15 liability company, f/k/a D&K HEALTHCARE
16 RESOURCES, INC., a Delaware corporation,

17 Defendants.

18 Complaint filed: June 6, 2008
19 Trial date: None set

20 This Stipulation to Continue ADR and Disclosure Deadlines; Order Thereon (this
21 "**Stipulation**") is entered into by and between Plaintiffs Familymeds, Inc., a Connecticut
22 corporation, and Familymeds Group, Inc. a Nevada corporation, f/k/a Drugmax, Inc., a Nevada
23 corporation (collectively, "**Plaintiffs**") and Defendants McKesson Corporation, a Delaware
24 corporation ("**McKesson**") and D&K Healthcare Resources LLC, a Delaware limited liability
25 company, f/k/a D&K Healthcare Resources, Inc., a Delaware corporation (collectively,
26 "**Defendants**") (collectively, the "**Parties**," and individually, each a "**Party**"). The Parties each
27 hereby stipulate and agree as follows:

28 **RECITALS**

1. On June 6, 2008, Plaintiffs filed in this action (this "**Second Action**") their
Complaint for Specific Performance of Contract and Accounting.

2. On June 6, 2008, the Court entered its Order Setting Initial Case Management
Conference and ADR Deadlines which provided, *inter alia*, the following deadlines:

A. **August 25, 2008** - Last date to: i) meet and confer re: initial disclosures,

1 early settlement conference, ADR process selection, and discovery plan; ii) file ADR Certification;
2 and iii) file Stipulation to ADR Process or Notice of Need for ADR Phone Conference (the "**ADR**
3 **Deadlines**");

4 B. **September 8, 2008** - Last date to file Rule 26(f) Report, complete initial
5 disclosures or state objection in Rule 26(f) Report, and to file Case Management Statement (the
6 "**Initial Disclosure Deadlines**"); and

7 C. **September 15, 2008** - Initial Case Management Conference (the "**Case**
8 **Management Conference**").

9 3. On June 18, 2008 the Court entered its Order deeming this Second Action related to
10 Case No. 07-5715 WDB (the "**First Action**").

11 4. On August 20, 2008 the Court heard the Motion for Summary Judgment of
12 McKesson in the First Action.

13 5. Thereafter, the Parties have been engaged in settlement negotiations.

14 6. On August 28, 2008, the Court filed its Notice Rescheduling Case Management
15 Conference, which provided, *inter alia*, that the Case Management Conference would be continued
16 to September 17, 2008 and the Case Management Statement was to be filed on or before noon,
17 September 15, 2008.

18 7. The Parties believe it to be in their best interest to enter into this Stipulation and
19 hereby stipulate and agree as follows:

20 **STIPULATION**

21 8. Recitals 1 through 7 are incorporated herein by this reference and the Parties agree
22 that the information recited above is true and correct.

23 9. The ADR Deadlines and Initial Disclosure Deadlines shall all be continued to
24 September 15, 2008.

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DATED: September 8, 2008

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MATTHEW S. KENEFICK

By: 
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INC. a Nevada corporation, f/k/a DRUGMAX, INC., a
Nevada corporation

DATED: September 9, 2008

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By: 
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Attorneys for Defendants MCKELSSON
CORPORATION, a Delaware corporation and D&K
HEALTHCARE RESOURCES LLC, a Delaware
limited liability company, f/k/a D&K HEALTHCARE
RESOURCES, INC., a Delaware corporation

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 9-9-08


THE HONORABLE WAYNE D. BRAZIL