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6 Attorneys for Defendants
 7 McKESSON CORPORATION and
 D&K HEALTHCARE RESOURCES LLC
 8

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 FAMILYMEDS, INC., a Connecticut
 corporation; and FAMILYMEDS GROUP, INC.,
 12 a Nevada corporation, f/k/a Drugmax, Inc., a
 Nevada corporation,

13 Plaintiffs,

14 v.

15 McKESSON CORPORATION, a Delaware
 corporation; D&K HEALTHCARE
 16 RESOURCES LLC, a Delaware limited liability
 company, f/k/a D&K HEALTHCARE
 17 RESOURCES, INC., a Delaware corporation,

18 Defendants.
 19

Case No. 4:08-cv-02850 WDB

**STIPULATION AND REQUEST FOR
 ORDER CONTINUING DATES FOR:**

- 13 (1) CASE MANAGEMENT
 CONFERENCE;
- 14 (2) HEARING ON MOTION TO
 DISMISS; AND
- 15 (3) DEADLINE FOR FILING MOTION
 FOR LEAVE TO FILE AMENDED
 COMPLAINT

AND ORDER THEREON

(LOCAL RULE 6-2)

Complaint Filed: June 6, 2008

Original Date:

Date: October 29, 2008
 Time: 3:00 p.m.
 Court: Courtroom 4, Oakland, CA

Requested Date:

Date: November 12, 2008
 Time: 2:30 p.m.
 Court: Courtroom 4, Oakland, CA

1 Pursuant to Rule 6-2 of the Local Rules for the United States District Court for the Northern
2 District of California, FAMILYMEDS, INC., a Connecticut corporation ("FM Inc."),
3 FAMILYMEDS GROUP, INC., a Nevada corporation, f/k/a Drugmax, Inc., a Nevada corporation,
4 ("FM Group" and, together with FM Inc., called "Familymeds"), McKESSON CORPORATION, a
5 Delaware corporation ("McKesson") and D&K HEALTHCARE RESOURCES LLC, a Delaware
6 limited liability company, f/k/a D&K Healthcare Resources, Inc., a Delaware corporation ("D&K")
7 hereby stipulate and agree and request the Court to enter an order stating:

- 8 1. The Case Management Conference currently scheduled in this action for October
9 29, 2008, at 3:00 p.m. shall be rescheduled for November 12, 2008, at 2:30 p.m. in
10 Courtroom 4 of the above-captioned Court.
- 11 2. The hearing on the motion of McKesson and D&K to dismiss the Complaint
12 commencing this action (the "Motion to Dismiss") currently scheduled for October
13 29, 2008, at 3:00 p.m. shall be rescheduled to November 12, 2008, at 2:30 p.m. in
14 Courtroom 4 of the above-captioned Court.
- 15 3. The deadline for Familymeds to file its opposition to the Motion to Dismiss shall be
16 extended to October 22, 2008, and the deadline for McKesson and D&K to file any
17 reply thereto shall be extended until October 29, 2008.
- 18 4. The October 17, 2008 deadline by which Familymeds must file their motion for
19 leave to amend the complaint commencing this action, shall be extended until
20 October 22, 2008.

21 The parties request the above scheduling changes to enable them to conduct a mediation on
22 October 16, 2008 which may eliminate the need for further litigation. Except as set forth above, no
23 other deadlines or hearings in this action are extended or continued. The above stipulation is
24 without waiver of any defense or claim, including lack of timeliness, except as to the extension
25 period set forth above.

26 IT IS SO STIPULATED.

27 DATED: October 6, 2008.

HENDERSON, CAVERLY, PUM &
CHARNEY LLP

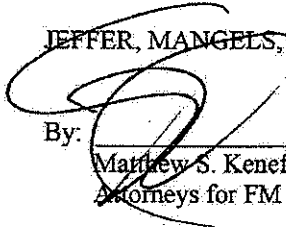
By: 

Maria K. Pun
Attorneys for McKesson Corporation and
D&K Healthcare Resources LLC

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DATED: October 6, 2008.

JEFFER, MANGELS, BUTLER & MARMARO LLP

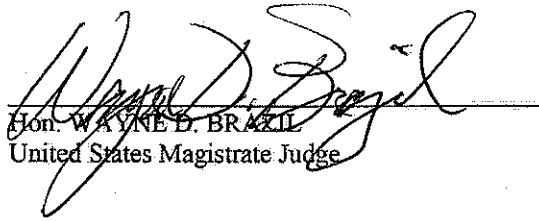


By: _____
Matthew S. Kenefick
Attorneys for FM Inc. Familymeds Group, Inc.

ORDER

IT IS SO ORDERED.

DATED: October 7, 2008.



Hon. WAYNE D. BRAZIL
United States Magistrate Judge