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9 Attorneys for: DREYER'S GRAND ICE CREAM, INC., DREYER'S GRAND ICE CREAM  
 10 HOLDINGS, INC., and EDY'S GRAND ICE CREAM, INC.

11 UNITED STATES DISTRICT COURT

12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 OAKLAND DIVISION

14 ICE CREAM DISTRIBUTORS OF  
 15 EVANSVILLE, LLC,

16 Plaintiffs,

17 v.

18 DREYER'S GRAND ICE CREAM, INC., a  
 19 corporation, DREYER'S GRAND ICE  
 20 CREAM HOLDINGS, INC., a corporation,  
 EDY'S GRAND ICE CREAM, INC., a  
 corporation, RANDY STATHERS, an  
 individual, and DOES 1 to 20, inclusive,

21 Defendants.

22 DREYER'S GRAND ICE CREAM, INC. a  
 Delaware corporation,

23 Plaintiff,

24 v.

25 ICE CREAM DISTRIBUTORS OF  
 26 EVANSVILLE, LLC, a Kentucky limited  
 liability company, and SPIN CITY  
 HOLDINGS, an Indiana limited liability  
 company,

27 Defendants.  
 28

Case No. C09-5815-CW(LB)

**STIPULATION AND ORDER TO  
 EXTEND DEADLINE FOR  
 SETTLEMENT CONFERENCE**

Complaint Filed: 12/11/09

Date: September 8, 2010

Time: 10:30 a.m.

Dept: Courtroom 2, Fourth Floor

Case No. 10-00317 CW(LB)

Complaint Filed: January 22, 2010

Date: April 13, 2010

Time: 10:30 a.m.

Dept: Courtroom 2, Fourth Floor

STIPULATION AND [PROPOSED] ORDER TO EXTEND DEADLINE FOR SETTLEMENT  
 CONFERENCE

CASE NO. 10-00417 CW

1 Pursuant to ADR Civil L.R. 7-4 and Civil L.R. 6-2 and 7-12, Dreyer's Grand Ice Cream,  
2 Inc., Dreyer's Grand Ice Cream Holdings, Inc., Edy's Grand Ice Cream, Inc. (collectively  
3 "Dreyer's") and Ice Cream Distributors of Evansville, LLC and Spin City Holdings, (collectively  
4 "ICD") hereby stipulate and request an Order to continue the Settlement Conference scheduled for  
5 September 8, 2010 at 10:30 a.m. until a date after the Court rules on Dreyer's Motion to Dismiss  
6 ICD's Second Amended Complaint ("Dreyer's Motion") in Civil Action No. C09-5815-CW.

7 **STIPULATION**

8 WHEREAS the Court has scheduled a settlement conference in the above-entitled actions  
9 for September 8, 2010 at 10:30 a.m.;

10 WHEREAS the parties' have just completed briefing on Dreyer's Motion;

11 WHEREAS the Court will not likely rule on Dreyer's Motion before September 8, 2010;

12 WHEREAS the parties believe a settlement conference before the Court rules on Dreyer's  
13 Motion will not be productive since the parties will not know what claims remain in the case;

14 WHEREAS the only time modifications in the case have been rescheduling the settlement  
15 conference from 11:00 a.m. on September 8, 2010 to 10:30 a.m. on that same date;

16 WHEREAS this stipulation will not have any other effect on the schedule for the above-  
17 entitled cases;

18 ACCORDINGLY Dreyer's and ICD stipulate and request an Order continuing the  
19 currently scheduled Settlement Conference until after the Court rules on Dreyer's Motion to  
20 Dismiss.

21 DATED: August 24, 2010

Respectfully submitted,

22 TOWNSEND AND TOWNSEND AND CREW LLP  
23

24 By: /s/ Robert D. Tadlock

25 ROBERT D. TADLOCK

26 Attorneys for: DREYER'S GRAND ICE CREAM,  
27 INC., DREYER'S GRAND ICE CREAM HOLDINGS,  
28 INC., and EDY'S GRAND ICE CREAM, INC.,

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DATED: August 24, 2010

BRACAMONTES & VLASAK, P.C.

By: /s/ Michael R. Bracamontes  
MICHAEL R. BRACAMONTES

Attorneys for: ICE CREAM DISTRIBUTORS OF  
EVANSVILLE, LLC

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/26/2010



Hon. Claudia Wilken  
U.S. District Court Judge

62842112 v1

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2010, a true and correct copy of the foregoing STIPULATION AND PROPOSED ORDER TO EXTEND DEADLINE FOR SETTLEMENT CONFERENCE was filed electronically with the Clerk of the Court using CM/ECF System. 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. Parties may access this filing through the Court's electronic filing system.

By:     /s/Linda Tan      
Linda Tan