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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,
 Plaintiffs,
 16 v.
 17 DREYER’S GRAND ICE CREAM, INC., a
 18 corporation, DREYER’S GRAND ICE
 19 CREAM HOLDINGS, INC., a corporation,
 20 EDY’S GRAND ICE CREAM, INC., a
 corporation, RANDY STATHERS, an
 individual, and DOES 1 to 20, inclusive,
 Defendants.

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

21
 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
 27 HOLDINGS, an Indiana limited liability
 company,
 28 Defendants.

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

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

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