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Attorneys for Defendant Sweet Earth Organic  
Chocolates, Inc.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

SWEET EARTH, INC.,

Plaintiff,

vs.

SWEET EARTH ORGANIC CHOCOLATES,  
INC., AND DOES 1-10, inclusive

Defendants.

Civil Action No. 12-02659 YGR

**MODIFIED ORDER CONTINUING  
HEARING ON MOTION FOR  
PRELIMINARY INJUNCTION TO  
AUGUST 14, 2012; AND SETTING  
COMPLIANCE CONFERENCE FOR  
AUGUST 10, 2012**

IT IS HEREBY STIPULATED by and between the parties hereto pursuant to Local Rule 7-12, and with the approval of this Court, that the hearing on the motion for preliminary injunction, presently scheduled for July 18, 2012, be continued to August 14, 2012, based upon the following:

WHEREAS, Plaintiff filed its complaint on May 31, 2012, and its motion for preliminary injunction on June 11, 2012.

WHEREAS Defendant filed its Answer to the Complaint and its opposition to the motion for preliminary injunction on June 25, 2012.

WHEREAS, the parties have since entered into negotiations to resolve the dispute underlying the instant action and have exchanged and signed a settlement agreement to that effect,

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cv 12-02659 YGR

[MODIFIED] ORDER GRANTING CONTINUANCE OF REARING ON MOTION FOR PRELIMINARY  
INJUNCTION

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but Defendant requires additional time to fulfill one of the conditions for entry of a dismissal.

Accordingly, as the hearing on the motion for preliminary injunction is scheduled for July 18, 2012 and the parties are unsure at this time if a dismissal can be filed prior to the hearing, the parties respectfully request that the hearing date be continued to August 14, 2012, or a date convenient for the Court's calendar thereafter, so as to allow for filing of the dismissal prior thereto.

**IT IS SO STIPULATED.**

DATED: July 11, 2012

JEANNETTE K. WITTEN  
GAVIN KOGAN  
LINDSEY B.W. SAVAGE  
PARRAVANO WITTEN PC

By:           /s/ Lindsey B.W. Savage            
Lindsey B.W. Savage  
Attorneys for Plaintiff Sweet Earth, Inc.

DATED: July 11, 2012

THOMAS S. KIDDE  
JOSHUA S. HODAS  
LEWIS BRISBOIS BISGAARD & SMITH UP

By:           /s/ Thomas S. Kidde            
Thomas S. Kidde  
Attorneys for Defendant Sweet Earth  
Organic Chocolates, Inc.

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**ORDER**

**GOOD CAUSE APPEARING, IT IS ORDERED** that the hearing on Plaintiff's Motion for Preliminary Injunction, presently scheduled for July 18, 2012, be and is **CONTINUED to August 14, 2012** at 2:00 p.m.

A Compliance Conference is scheduled for **Friday, August 10, 2012** on the Court's **9:01a.m.** Calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California in a courtroom to be designated.

Five (5) business days prior to the date of the compliance hearing, the parties shall file either (a) a Stipulation of Dismissal; or (b) a one-page **JOINT STATEMENT** setting forth an explanation regarding the failure to comply. If compliance is complete, the parties need not appear and the Compliance Conference will be taken off calendar.

Telephonic appearances will be allowed if the parties have submitted a joint statement in a timely fashion. Failure to do so may result in sanctions.

**IT IS SO ORDERED.**

Dated: July 12, 2012

  
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**YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT COURT JUDGE**