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4 **UNITED STATES DISTRICT COURT**
5 **NORTHERN DISTRICT OF CALIFORNIA**
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8 **CHRISTIAN STARK and STARK WINE LLC,**

9 **Plaintiffs,**

10 **vs.**

11 **DIAGEO CHATEAU & ESTATE WINES**
12 **COMPANY, a California corporation,**

13 **Defendant.**

Case No.: 12-CV-04385 YGR

**ORDER RE OSC WHY A
PRELIMINARY INJUNCTION SHOULD
NOT BE ISSUED**

Date: September 19, 2012
Time: 9:00 a.m.
Courtroom 5

14 **ORDER**

15 On August 24, 2012, after telephonic conference calls with Steven K. Barentzen, Law
16 Office of Steven K. Barentzen, Ronald L. Richman, Bullivant Houser Bailey, PC., counsel for
17 Plaintiffs and Brendan O'Rourke and Robert Horn, Proskauer Rose, LLP, counsel for
18 Defendant:

19 **IT IS HEREBY ORDERED** that Plaintiffs' ex parte application for a temporary restraining
20 order is **DENIED** and that Plaintiffs' ex parte application for an Order to Show Cause why a
21 preliminary injunction should not be issued is **GRANTED**.

22 **IT IS FURTHER ORDERED** that the Order To Show Cause re Preliminary Injunction
23 ("OSC re Preliminary Injunction") shall be heard at 9:00 a.m. on September 19, 2012 in
24 Courtroom 5, Second Floor. In conjunction with the OSC re Preliminary Injunction, the parties
25 are to comply with the following briefing and discovery schedule:

- 26 • Each party is allowed up to five (5) hours, maximum, to conduct a 30(b)(6)
27 deposition of the opposing party. The 30(b)(6) depositions are to be completed
28 on or before August 31, 2012. In the event the parties run into any difficulty


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scheduling the 30(b)(6) depositions they should contact the Court concerning relief from this part of the schedule;

- Documents to be produced in advance of formal discovery shall be provided to the other side in advance of the respective 30(b)(6) depositions;
- On or before 12 p.m. PDT on September 7, 2012, the parties are to exchange and file with this Court a Notice of Witnesses identifying any witness to be called to testify at the OSC re Preliminary Injunction as well as a synopsis of the expected testimony;
- On or before September 7, 2012, Defendant shall file and serve its Opposition to the OSC re Preliminary Injunction;
- On or before September 10, 2012 the parties are to exchange and file with this Court a Notice of Rebuttal Witnesses identifying any rebuttal witnesses and providing a synopsis of the expected testimony from any rebuttal witness; and
- On or before September 14, 2012, Plaintiffs shall file and serve their Reply to the OSC re Preliminary Injunction.

IT IS SO ORDERED.

DATED: August 28, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE