

1 EILEEN R. RIDLEY, CA Bar No. 151735
 eridley@foley.com
 2 ALAN R. OUELLETTE, CA Bar No. 272745
 aouellette@foley.com
 3 ANTHONY JAMES DUTRA, CA Bar No. 277706
 adutra@foley.com
 4 **FOLEY & LARDNER LLP**
 555 CALIFORNIA STREET
 5 SUITE 1700
 SAN FRANCISCO, CA 94104-1520
 6 TELEPHONE: 415.434.4484
 FACSIMILE: 415.434.4507
 7

8 Attorneys for Defendants SEAL FOR LIFE
 INDUSTRIES, LLC, and BERRY
 9 GLOBAL, INC., f/k/a BERRY PLASTICS,
 INC.

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12

13	UTILITY SUPPLY, INC., f/k/a UMAC, INC.,)	Case No. 3:17-CV-02332
14)	
15	Plaintiff,)	STIPULATION TO CONTINUE CASE
16	vs.)	MANAGEMENT CONFERENCE IN VIEW
17)	OF SETTLEMENT AND [PROPOSED]
18	SEAL FOR LIFE INDUSTRIES, LLC, and)	ORDER
19	BERRY GLOBAL, INC., f/k/a BERRY)	
20	PLASTICS, INC.,)	
	Defendants.)	
)	
)	

1 Pursuant to the Court’s Order Continuing Case Management Conference In View Of Settlement
2 (Dkt. 31), Defendants Seal for Life Industries, LLC and Berry Global, Inc. (“Defendants”), on the one
3 hand, and Plaintiff Utility Supply, Inc. (“Plaintiff”), on the other, hereby stipulate, by and through their
4 respective counsel of record, as follows:

5 **RECITALS**

6 WHEREAS, the Complaint in this action was filed on April 25, 2017;

7 WHEREAS, the Parties settled this action in principle and filed a Notice of Settlement on
8 September 14, 2017 (Dkt. 30);

9 WHEREAS, in light of the settlement in principle, the Court continued the Case Management
10 Conference from August 17, 2017 to November 16, 2017 (Dkt. 31);

11 WHEREAS, the Court’s Order Continuing Case Management Conference In View Of Settlement
12 (Dkt. 31) provides that, “[s]hould the settlement not be finalized by then, the parties shall jointly request
13 one further continuance or shall appear at the conference”;

14 WHEREAS, the Parties had reached an impasse regarding certain terms of their written
15 settlement agreement and release;

16 WHEREAS, the Parties have now resolved that impasse and are close to finalizing a written
17 settlement agreement and release; and

18 WHEREAS, in order for the parties to have sufficient time to finalize the settlement, the Parties
19 respectfully request that the Court continue the Case Management Conference from November 16, 2017
20 to the week of December 11, 2017, or at a date and time that is convenient for the Court.

21 **STIPULATION**

22 THEREFORE, IT IS STIPULATED AND AGREED, by and between Defendants and Plaintiff,
23 through their respective counsel, that the Parties respectfully request that the Court continue the Case
24 Management Conference from November 16, 2017 to the week of December 11, 2017, or at a date and
25 time that is convenient for the Court.

26 IT IS SO STIPULATED.
27
28

1 DATED: November 9, 2017

FOLEY & LARDNER LLP

Eileen R. Ridley
Alan R. Ouellette
Anthony James Dutra

/s/ Alan R. Ouellette _____

Alan R. Ouellette
Attorneys for Defendants
SEAL FOR LIFE INDUSTRIES, LLC, and BERRY
GLOBAL, INC., f/k/a BERRY PLASTICS, INC.

2
3
4
5
6
7
8 DATED: November 9, 2017

BUCHANAN INGERSOLL & ROONEY LLP

Kimberly Arouh

/s/ Kimberly Arouh _____

Kimberly Arouh
Attorney for Plaintiff
UTILITY SUPPLY, INC., f/k/a UMAC, INC.

9
10
11
12
13 **PROPOSED ORDER**

14 Pursuant to the Parties' Stipulation To Continue Case Management Conference In View Of
15 Settlement, and good cause appearing, the Court hereby continues the Case Management Conference
16 from November 16, 2017 to December 14, 2017, at 2:00 p.m _____.

17 IT IS SO ORDERED.

18
19 Dated: 11/13/17



Hon. Phyllis J. Hamilton
U.S. District Court Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SIGNATURE ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this Stipulation has been obtained from all signatories to the Stipulation.

DATED: November 9, 2017

FOLEY & LARDNER LLP

Eileen R. Ridley
Alan R. Ouellette
Anthony James Dutra

/s/ Alan R. Ouellette

Alan R. Ouellette
Attorneys for Defendants
SEAL FOR LIFE INDUSTRIES, LLC, and BERRY
GLOBAL, INC., f/k/a BERRY PLASTICS, INC.