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FILED

APR 21 2009

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

7 ATTORNEYS FOR PLAINTIFF MCCARTHY GILROY, LLC,
 8 A CALIFORNIA LIMITED LIABILITY COMPANY

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA-SAN JOSE DIVISION

11 McCARTHY GILROY, LLC, a California
 12 limited liability company,

CASE NO. C 08-05411 RMW

13 Plaintiff,

STIPULATION AND ORDER TO
 CONTINUE EARLY SETTLEMENT
 CONFERENCE

14 v.

15 STARBUCKS CORPORATION, a
 16 Washington corporation, and DOES 1-50,
 17 inclusive,

Hearing Date: June 19, 2009
 Hearing Time: 9:30 a.m.
 Mag. Judge: Hon. Howard R. Lloyd
 Courtroom: 2

17 Defendants.

20 This stipulation is entered into between all parties, by and through their attorneys of
 21 record, with reference to the following facts:

- 22 1. The Early Settlement Conference is presently scheduled for May 8, 2009 at
 23 9:30 a.m. in Courtroom 2 ("Conference");
- 24 2. The parties each have outstanding document requests propounded to the other, the
 25 responses to which are not due until after the presently-scheduled Conference; and
- 26 3. The parties desire to exchange documents (pursuant to the outstanding discovery
 27 requests) before the Conference, and are available on June 19, 2009 (a date the Court had
 28 available for an Early Settlement Conference).

1 Based upon the foregoing, the parties stipulate to a continuance of the Early Settlement
2 Conference to June 19, 2009 at 9:30 a.m., Courtroom 2.

3
4 DATED: APRIL 20, 2009 BERLINER COHEN

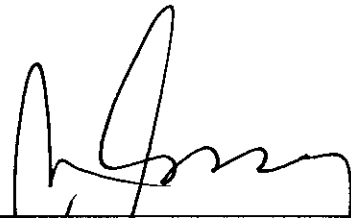
5
6 BY: _____ /s/
7 JOHN F. DOMINGUE
8 ATTORNEYS FOR PLAINTIFF MCCARTHY GILROY,
9 LLC

10
11 DATED: APRIL 20, 2009 WILLENKEN, WILSON, LOH & LIEB, LLP

12 BY: _____ /s/
13 EILEEN M. AHERN
14 ATTORNEYS FOR DEFENDANTS STARBUCKS
15 CORPORATION

16 IT IS HEREBY ORDERED that the Early Settlement Conference is continued to
17 June 19, 2009 at 9:30 a.m. in Courtroom 2 (with Early Settlement Statements and Confidential
18 Settlement Letters to be submitted on or before June 12, 2009).

19 Dated: April 21, 2009

20 
21 Magistrate JUDGE OF THE UNITED STATES
22 DISTRICT COURT