

United States District Court
For the Northern District of California

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E-FILED on 10/26/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MAITA DISTRIBUTORS, INC. OF SAN
MATEO, a California corporation,

Plaintiff,

v.

DBI BEVERAGE INC., a Tennessee
corporation,

Defendant.

No. C-09-02318 RMW

ORDER GRANTING MOTION FOR LEAVE
TO FILE AMICUS BRIEF

[Re Docket No. 75]

California Beer and Beverage Distributors has filed a motion for leave to file an *amicus* brief in connection with the parties' cross-motions for summary judgment, presently calendared for hearing on October 30, 2009. Defendant DBI and intervenor MillerCoors oppose CBBB's motion; plaintiff Maita Distributors does not oppose the motion, although it disagrees with CBBB's asserted arguments. Having considered the papers submitted, and for good cause appearing, the court grants CBBB's motion. CBBB may file its proposed papers and the court will consider them in connection with the parties' motions for summary judgment. Counsel for CBBB shall also be permitted to participate in oral argument on the summary judgment motions.

DATED: 10/26/09



RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been electronically sent to:**

2 **Counsel for Plaintiff:**

3 Craig S. Ritchey eFilingPA@dorsey.com
4 John G. Hursh eFilingPA@dorsey.com
5 Karen Elizabeth Wentzel eFilingPA@dorsey.com
6 Patricia Anne Welch eFilingPA@dorsey.com

6 **Counsel for Defendant:**

7 Elise Kathryn Sara esara@sheppardmullin.com
8 Jonathan P. Hersey jhersey@sheppardmullin.com
9 Mark Kenneth Slater mslater@sheppardmullin.com

10 **Counsel for Intervenor:**

11 Jesse Frank Ruiz jfr@robinsonwood.com
12 Alissa Brett Rubin arubin@kslaw.com
13 Michael W. Youtt myoutt@kslaw.com
14 Russell D. Workman rworkman@kslaw.com

14 **Counsel for *Amicus* CBBD:**

15 Brian C. Rocca brian.rocca@bingham.com

16
17 Counsel are responsible for distributing copies of this document to co-counsel that have not
18 registered for e-filing under the court's CM/ECF program.

19 **Dated:** 10/26/09

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Chambers of Judge Whyte

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