1	See Next Page for Complete Counsel Information	
2	for All Parties	
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5		<u>*E-FILED - 10/20/09*</u>
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8	UNITED STATES DISTRICT COURT	
9	NORTHERN DISTRICT OF CALIFORNIA	
10	SAN JOSE DIVISION	
11	MAITA DISTRIBUTORS, INC. OF SAN MATEO, a California corporation,	CASE NO. 5:09-CV-02318-RMW
12	Plaintiff,	STIPULATION & ORDER TO AMEND COMPLAINT; NOTICE OF WITHDRAWAL
13	V.	OF MILLERCOORS MOTION FOR PROTECTION FROM DISCOVERY AND
14	DBI BEVERAGE, INC., a Tennessee	PARTIAL SUMMARY JUDGMENT ON THE "SUCCESSOR BEER MANUFACTURER"
15	corporation,	ISSUE
16	Defendant.	
17		Complaint Filed (in State Court): May 6, 2009
18	MILLERCOORS, LLC, a Delaware limited	Matter Removed on:
19	liability company,	May 26, 2009
20	Intervenor.	Judge: Hon. Ronald M. Whyte
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	STIPULATION & ORDER RE CONFIDENTIALITY	-1- 5:09-CV-02318 RMW
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26	MILLERCOORS, LLC		
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	STIPULATION & ORDER RE CONFIDENTIALITY  5:09-CV-02318 RMW		
	STIPULATION & ORDER RE CONFIDENTIALITY 5:09-CV-02318 RMW		

1	IT IS HEREBY STIPULATED by and I	between the parties to this action through their	
2	designated counsel that the cause of action for declaratory relief in the complaint in the above-		
3	captioned action be amended to eliminate allegations that Intervenor MillerCoors, LLC		
4	("MillerCoors") is not a successor beer manufacturer under California Business & Professions		
5	Code § 25000.2 (the "Statute"), more specifically to delete only paragraph 7 and subparagraph		
6	12(a). Plaintiff Maita Distributors, Inc. of San Mateo hereby waives any and all rights it has to		
7	pursue this issue,in this or any other forum, including without limitation an appeal under Cal.		
8	B&P Code 25000.2 from the arbitration now pending between Maita and defendant DBI		
9	Beverage Inc., as it relates to the events and circumstances giving rise to this action. Each party		
10	will bear its own attorneys fees and costs associated with the litigation of this issue herein.		
11	IT IS FURTHER STIPULATED AND NOTICE IS HEREBY GIVEN that, in light of		
12	Plaintiff's stipulation to waive any contention that MillerCoors is not a successor manufacturer,		
13	MillerCoors' Motion for Protection from Discovery, currently set for September 15, 2009 before		
14	the Honorable Howard R. Lloyd, and MillerCoors' Motion for Partial Summary Judgment on the		
15	"Successor Beer Manufacturer" Issue, currently set for September 18, 2009 before the Honorable		
16	Ronald M. Whyte, are hereby withdrawn.		
17	IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.		
18	DATED: August 28, 2009	DORSEY & WHITNEY LLP	
19			
20		By: /s/ JOHN G. HURSH	
21		Attorneys for Plaintiff	
22		MAITA DISTRIBUTORS, INC. OF SAN MATEO	
23	DATED: August 28, 2009	SHEPPARD, MULLIN, RICHTER &	
24		HAMPTON LLP	
25			
26		By: /s/ MARK K. SLATER	
27		Attorneys for Defendant DBI BEVERAGE INC.	
28			

1	DATED: August 28, 2009	ROBINSON & WOOD, INC.
2		
3		By: /s/ JESSE RUIZ
4		Attorneys for Intervenor MILLERCOORS, LLC
5		WILLERCOOKS, LLC
6	Filer's Attestation of Concurrence by Signatory	
7	I, John G. Hursh, counsel for Maita Distributors, Inc. of San Mateo, hereby attest that	
8	have obtained the concurrence of Mark K. Slater and Jesse Ruiz in the filing of this document.	
9		/s/ JOHN G. HURSH
10		JOHN G. HORSH
11	OF	RDER_
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14		Konald M. Whyte
15		RONALD M. WHYTE UNITED STATES DISTRICT JUDGE
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