See Next Page for Complete Counsel Inform for All Parties	ation
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	<u>*E-FILED - 10/20/09*</u>
IINITED STATI	E DISTRICT COURT
	RICT OF CALIFORNIA
	SE DIVISION
MUSSETTER DISTRIBUTING, INC., A	CASE NO. 5:09-CV-3112-RMW
CALIFORNIA CORPORATION,	STIPULATION & ORDER TO AMEND
Plaintiff,	COMPLAINT
v. DBI BEVERAGE INC., A TENNESSEE	
CORPORATION,	
Defendant.	
MILLERCOORS, LLC, a Delaware limited	Complaint Filed (in State Court): May 6, 2009
liability company,	Matter Removed on:
Intervenor.	May 26, 2009
	Judge: Hon. Ronald M. Whyte

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22	Attornesy for Intervenor MILLERCOORS, LLC
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	STIPULATION & ORDER REGARDING AMENDING COMPLAINT 5:09-ev-3112-RMW

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1	IT IS HEREBY STIPULATED by and 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 Mussetter Distributing, Inc. hereby waives any and all rights it has to pursue this		
7	issue,in this or any other forum, including without limitation an appeal under Cal. B&P Code		
8	25000.2 from the arbitration now pending between Maita and defendant DBI Beverage Inc., as it		
9	relates to the events and circumstances giving rise to this action. Each party will bear its own		
10	attorneys fees and costs associated with the litigation of this issue herein.		
11	IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.		
12	DATED: August 28, 2009	DORSEY & WHITNEY LLP	
13			
14		By: /s/ JOHN G. HURSH	
15		Attorneys for Plaintiff MUSSETTER DISTRIBUTING, INC., a	
16		California corporation	
17	DATED: August 28, 2009	SHEPPARD, MULLIN, RICHTER & HAMPTON LLP	
18		HAMFION LLF	
19		Dyr. /o/	
20		By: /s/ MARK K. SLATER Attorneys for Defendent	
21		Attorneys for Defendant DBI BEVERAGE INC.	
22	DATED: August 28, 2009	ROBINSON & WOOD, INC.	
23			
24		By: /s/ JESSE RUIZ	
25		Attorneys for Intervenor MILLERCOORS, LLC	
26		WILLERCOOKS, LLC	
27	Filer's Attestation of C	Concurrence by Signatory	
28	I, John G. Hursh, counsel for Mussetter Distributing, Inc. hereby attest that I have		
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1	obtained the concurrence of Mark K. Slater and Jesse Ruiz in the filing of this document.
2	JOHN G. HURSH
3	JOHN G. HURSH
4	ORDER
5	PURSUANT TO STIPULATION, IT IS SO ORDERED.
6	DATED:10/20/09
7	Notald M. Whyte RONALD M. WHYTE
8	UNITED STATES DISTRICT JUDGE
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