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 24 ARIZONA BEVERAGES USA LLC,
 25 HORNELL BREWING CO., INC. d/b/a
 26 FEROLITO, VULTAGGIO & SONS, INC.
 27 and BEVERAGE MARKETING USA, INC.

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Attorneys for Plaintiffs
 LAUREN RIES and SERENA ALGOZER

(Additional counsel listed on signature page)

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN JOSE DIVISION

19 LAUREN RIES and SERENA ALGOZER,
 20 individuals on behalf of themselves and all
 21 others similarly situated,

22 Plaintiffs,

23 v.

24 ARIZONA BEVERAGES USA LLC,
 25 HORNELL BREWING COMPANY, INC.,
 26 BEVERAGE MARKETING USA, INC., and
 27 FEROLITO, VULTAGGIO & SONS, INC.,

28 Defendants.

CASE NO. CV 10-01139 JF

**STIPULATION AND [PROPOSED]
 ORDER REGARDING EARLY NEUTRAL
 EVALUATION SESSION**

1 TO THE COURT, AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:
2 THIS STIPULATION is entered into by and between plaintiffs, Lauren Ries and Serena Algozer
3 (“Plaintiffs”), and defendants, Arizona Beverages USA LLC, Hornell Brewing Co., Inc., d/b/a
4 Ferolito Vultaggio & Sons, Inc. and Beverage Marketing USA, Inc. (“Defendants”), collectively
5 referred to herein as the “Parties,” by and through their attorneys of record and pursuant to Civil
6 Local Rule 7-12 and ADR Local Rule 5-5.

7 WHEREAS, the Alternate Dispute Resolution Program conducted a telephone conference
8 call with the Parties on May 17, 2011, to discuss scheduling the Early Neutral Evaluation
9 (“ENE”);

10 WHEREAS, the Plaintiffs filed an Amended Complaint on May 4, 2011 and Defendants
11 intend to file a motion to dismiss in response; and

12 WHEREAS, the Parties agree that the ENE should take place after the motion to dismiss
13 is adjudicated and an answer is filed;

14 NOW, THEREFORE, the Parties jointly request and HEREBY STIPULATE that the
15 ENE session shall take place within 60 days after Defendants file an answer to Plaintiffs’
16 Amended Complaint.

17 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:**

18 DATED: May 19, 2011

SEDGWICK LLP

19 By: /s/ Andrew J. King

Kevin J. Dunne (Bar No. 40030)

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ARIZONA BEVERAGES USA LLC, HORNELL

27 BREWING COMPANY, INC. d/b/a FEROLITO,

VULTAGGIO & SONS, INC., and BEVERAGE

28 MARKETING USA, INC.

1 DATED: May 19, 2011

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2
3 By: /s/ Joseph L. "Josh" Tucker (with permission)

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Attorneys for Plaintiffs
LAUREN RIES and SERENA ALGOZER

~~[PROPOSED]~~ ORDER

Pursuant to the stipulation of the Parties, and good cause appearing therefor,

IT IS SO ORDERED.

DATED: 6/8/11



THE HONORABLE JEREMY FOGEL
UNITED STATES DISTRICT JUDGE