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

20 Gregory Ahn, an individual, Jonathan White,  
an individual, Cult of 8, Inc., a California  
21 corporation

22 Plaintiffs,

23 vs.

24 Matthew D. Scarlett, an individual, Alcohol  
By Volume, Inc., a Nevada Corporation,  
25 inclusive,

26 Defendants.

Case No: 5:16-cv-05437-EJD

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER**

1 **RECITALS**

2 A. This action, along with the related case, *Matthew Scarlett, individually and*  
3 *derivatively on behalf of Alcohol By Volume, Inc. vs. Jonathan White, et al.*, Case No: 5:17-cv-  
4 01430-EJD (the “Related Action”), involve disputes, *inter alia*, relating to the ownership and  
5 operations of two related corporations, CO8 and Alcohol by Volume, Inc. (“ABV”).

6 B. In April 2017, a closing occurred on the sale of one of the wine brands to an unrelated  
7 party.

8 C. Because of disputes about the proper allocation of proceeds from the sale transaction,  
9 the parties to this action, along with another unaffiliated entity, agreed to arbitrate before JAMS in  
10 San Francisco several issues, relating to the proper distribution of the proceeds from the sale of the  
11 brand. That arbitration proceeding is currently pending before JAMS as *Fior di Sole, LLC v.*  
12 *Scarlett, Matthew, et al.*, JAMS Reference No. 1100087495.

13 D. Proceedings in this matter have previously been continued in light of the pending  
14 JAMS arbitration.

15 E. The arbitration hearing is now scheduled for March 19 – 30, 2018.

16 F. The parties believe that resolution of the issues in the arbitration is likely to affect  
17 resolution of this matter.

18 G. There is currently pending before this Court in this action and the Related Action an  
19 initial case management conference on October 26, 2017 at 10:00 a.m. Certain filings, including the  
20 Joint Case Management Statement and related filings are due to be filed in advance of the case  
21 management conference.

22 H. The parties believe that it will be efficient and preserve both judicial resources and  
23 resources of the parties if the case management conference and current filing deadlines relating to it  
24 are continued for a period of 90 days to allow time for the parties to confirm the scope of issues to be  
25 determined in the arbitration proceeding and to report back to the Court with a recommendation as to  
26 the handling of this action and the Related Action during the pendency of the JAMS arbitration.

27 I. This stipulation in no way affects White’s motion for disqualification of his former  
28 counsel, Greenberg Traurig, which is currently pending before the Court, the subpoena issued to

1 Greenberg Traurig by White, or arguments or positions concerning White's demand for the file from  
2 Greenberg Traurig.

3 **STIPULATION**

4 Based upon the above recitals, the parties, through their undersigned counsel, hereby  
5 stipulate and request that the Court enter an order as follows:

6 1. The initial case management conference currently scheduled for October 26, 2017 is  
7 continued for a period of 90 days, and the Court shall reschedule the case management conference at  
8 a date and time on or after January 24, 2018.

9 2. All current filing deadlines, specifically including the deadlines for filing of the Joint  
10 Case Management Statement, Discovery Plan, and/or Rule 26(f) Report, shall be continued for a  
11 period of 90 days.

12 3. Within 100 days of this Stipulation and Order, the parties shall report to the Court  
13 regarding the status of the above-referenced JAMS arbitration and the issues to be determined in it,  
14 the impact of that arbitration on this action and the Related Action, and their views as to the  
15 appropriate handling of this action and the Related Action during the pendency of the JAMS  
16 arbitration.

17  
18 Dated: October 4, 2017

GREENBERG TRAUIG, LLP

19 By: /s/ Cindy Hamilton

20 William J. Goines

Cindy Hamilton

Alice Y. Chu

21 Attorneys for Plaintiffs Gregory Ahn, and  
22 Cult Of 8, Inc.

23 Dated: October 4, 2017

COZEN O'CONNOR

24 By: /s/ Erik L. Jackson

25 Erik L. Jackson

26 Attorney for Plaintiff Jonathan White.  
27  
28

1 Dated: October 4, 2017

ANTHONY OSTLUND  
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2  
3 By: /s/ Randy G. Gullickson

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5 Attorneys for Defendant Matthew D. Scarlett

6 Dated: October 4, 2017

LAW OFFICES OF ANTHONY GILES

7 By: /s/ Anthony Giles

Anthony Giles

8 Attorney for Defendant Alcohol By Volume, Inc.

9  
10 **ORDER**

11 Based upon the above stipulation of the parties, it is hereby ordered that:

12 1. The initial case management conference currently scheduled for October 26, 2017 is  
13 continued for a period of 90 days, and the case management conference is rescheduled to  
14 January 4, 2018, ~~2017~~.

15 2. All current filing deadlines, specifically including the deadlines for filing of the Joint  
16 Case Management Statement, Discovery Plan, and/or Rule 26(f) Report, shall be continued and reset  
17 in accordance with the rescheduled case management conference.

18 3. Within 100 days of this Stipulation and Order, the parties shall report to the Court  
19 regarding the status of the above-referenced JAMS arbitration and the issues to be determined in it,  
20 the impact of that arbitration on this action and the Related Action, and their views as to the  
21 appropriate handling of this action and the Related Action during the pendency of the JAMS  
22 arbitration.

23  
24 Dated: October 10, 2017

By: 

Edward J. Davila  
United States District judge