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 UNITED BRANDS COMPANY, INC.

11 UNITED STATES DISTRICT COURT  
 12 SOUTHERN DISTRICT OF CALIFORNIA

13 UNITED BRANDS COMPANY, INC.,  
 14 Plaintiff,  
 15 v.  
 16 ANHEUSER-BUSCH, INC.,  
 17 Defendant.

CASE NO. 10-cv-2281-AJB (KSC)

**DECLARATION OF BRIAN BEHMER IN  
 SUPPORT OF UNOPPOSED MOTION TO  
 CONTINUE SCHEDULED DATES**

District Judge: Hon. Anthony J. Battaglia  
 Magistrate Judge: Hon. Karen S. Crawford

Complaint: November 4, 2010

19  
 20 I, Brian Behmer, declare as follows:

21 1. I am the attorney for plaintiff, UNITED BRANDS COMPANY, INC. I have  
 22 personal knowledge of each of the facts set forth in this declaration and if required, could and  
 23 would competently testify thereto.

24 2. This is Plaintiff's first request to continue pretrial dates.

25 3. I have been in contact with counsel for Defendant Anheuser-Busch, Inc. ("A-B"),  
 26 and am informed that A-B does not oppose this request by United Brands.

27 4. The parties last appeared before the Court on February 10, 2012, for a  
 28 Settlement/Case Management Conference. When the case did not settle on that date, Magistrate

1 Judge McCurine strongly encouraged the parties to continue a settlement dialogue, and the parties  
2 recently agreed to both a mediator and a mediation date. The mediation will take place on April  
3 25, 2012, which is the first available date for the parties and the mediator, Hon. Leo S. Papas,  
4 Ret..

5 5. The parties' respective discovery responses are due prior to and immediately after  
6 the mediation date, thereby requiring the parties to expend considerable time and resources on  
7 responding to discovery and document production, including electronic discovery, in advance of  
8 the mediation. United Brands' discovery responses are currently due on April 7, 2012, and A-B's  
9 are due on April 30, 2012.

10 6. I have conferred with counsel for A-B, and we agree that significant expenditures  
11 of resources in discovery will likely make settlement more difficult in this case.

12 7. Good cause exists for this continuance because the parties are engaged in  
13 settlement negotiations and are participating in mediation on April 25, 2012.

14  
15 I declare under penalty of perjury under the laws of the state of California and the United  
16 States of America that the foregoing is true and correct. Executed this \_\_\_\_ day of April, 2012  
17 at San Diego, California.

18  
19  
20 Dated: April 5, 2012

**DLA PIPER LLP (US)**

21 By: s/Brian L. Behmer

BRIAN L. BEHMER

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23 Attorneys for Plaintiff  
24 UNITED BRANDS COMPANY, INC.  
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