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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 JOINT MOTION TO
 CONTINUE SCHEDULED DATES**

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

Complaint: November 4, 2010

19 I, Brian Behmer, declare as follows:

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

23 2. The parties last appeared before the Court on February 10, 2012, for a
 24 Settlement/Case Management Conference. When the case did not settle on that date, Magistrate
 25 Judge McCurine strongly encouraged the parties to continue a settlement dialogue. The parties
 26 participated in mediation on April 25, 2012, before the Hon. Leo S. Papas (Ret.). The parties
 27 submitted supplemental briefing, and remain engaged in additional settlement discussions with
 28

1 the assistance of Judge Papas. Judge Papas has recommended that the parties obtain an extension
2 of pending written discovery obligations and pretrial dates with the Court to facilitate the
3 settlement discussions.

4 3. I have conferred with counsel for A-B and Judge Papas, and we agree that the
5 requested extension would permit the parties to engage in further settlement discussions without
6 incurring significant costs, fees, and fees associated with discovery.

7 4. United Brands' discovery responses are currently due on June 15, 2012, and A-B's
8 are due on July 8, 2012, thereby requiring the parties to expend considerable time and resources
9 on responding to discovery and document production, including electronic discovery, while the
10 parties are continue to mediate. I have conferred with counsel for A-B, and we have most
11 recently agreed to continue the discovery deadlines for two weeks; however, a modest
12 continuance of the pretrial dates is necessary to accommodate such a discovery deadline
13 continuance.

14 5. I understand that counsel for A-B and our office agree with Judge Papas's
15 assessment that the significant expenditures of resources and efforts in discovery responses and
16 document production will likely make settlement more difficult in this case.

17 6. This is the second request to continue pretrial dates, and the first joint motion to
18 continue pretrial dates. The original request was sought in connection with the setting of the
19 mediation to coordinate with Judge Papas's schedule.

20 I declare under penalty of perjury under the laws of the state of California and the United
21 States of America that the foregoing is true and correct. Executed this 15th day of June, 2012 at
22 San Diego, California.

23 Dated: June 15, 2012

DLA PIPER LLP (US)

24
25 By: s/Brian L. Behmer

BRIAN L. BEHMER

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Attorneys for Plaintiff

UNITED BRANDS COMPANY, INC.