

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:09-CV-00326-BR**

THE COUNTRY VINTNER OF)
NORTH CAROLINA, LLC,)
)
Plaintiff,)
)
v.)
)
E. & J. GALLO WINERY, INC.,)
)
Defendant.)
_____)

ORDER

THIS MATTER IS BEFORE THE COURT on the joint motion of Plaintiff The Country Vintner of North Carolina, LLC's and Defendant E. & J. Gallo Winery, Inc. to modify the Scheduling Order, pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure.

It appearing to the Court that the parties have shown good cause to modify the Scheduling Order, the Court finds that the motion should be and hereby is GRANTED. It is therefore ORDERED as follows:

(1) All dates and deadlines set forth in the Court's Scheduling Order, entered April 19, 2010 [DE 71], are stayed until the earlier of the Court's ruling on either party's pending cross-motion for summary judgment[DE 73 & DE 89] or January 28, 2011.

(2) Within fourteen (14) days of the Court's ruling on either party's pending cross-motion for summary judgment [DE 73 & DE 89], the parties must confer, pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, to develop a further discovery plan in this case; and within fourteen (14) days of the conference, the parties must submit their discovery plan to the

Court.

(3) In the event the Court has not ruled on either motion prior to January 28, 2011, the parties may seek further extension of this stay.

This 7th day of September, 2010.

A handwritten signature in black ink, appearing to read "David W. Daniel", written over a horizontal line.

DAVID W. DANIEL
United States Magistrate Judge