

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THE HERSHEY COMPANY,
Plaintiff/Counterclaim Defendant,

v.

HOTTRIX LLC,
Defendant/Counterclaim Plaintiff.

v.

VERSATILE SYSTEMS, INC.,
Counterclaim Defendant.

No. 1:10-cv-1178-JEJ

JUDGE JOHN E. JONES III

Complaint Filed: June 2, 2010

**JOINT MOTION FOR EXTENSION OF
ALL REMAINING DEADLINES PENDING MEDIATION**

The parties, by and through their undersigned counsel, hereby jointly move for an Order extending all remaining deadlines by ninety (90) days pending mediation of the above-referenced matter. In support thereof, the parties aver as follows:

1. On June 2, 2010, The Hershey Company (“Hershey”) instituted this declaratory judgment action against Hottrix LLC (“Hottrix”).

2. Hotrix filed an Answer and Counterclaim against Hershey on September 13, 2010, to which Hershey responded on September 27, 2010 with a Motion to Dismiss and For Judgment on the Pleadings.

3. Hotrix filed an Amended Answer on October 7, 2010 adding an additional Counterclaim against Counterclaim Defendant Versatile Systems, Inc. (“Versatile”).

4. On October 21, 2010, Hershey filed a Motion to Dismiss and For Judgment on the Pleadings with respect to Hotrix’s Amended Answer and Counterclaim, in which Versatile joined on November 9, 2010.

5. By Order dated January 6, 2011, the Court denied the Motion to Dismiss, following which Hershey and Versatile timely answered the Counterclaim on February 3, 2011.

6. On September 29, 2010, prior to the addition of Versatile as an additional party or the filing of the Motion to Dismiss, the Court entered a Case Management Order that is currently in effect.

7. Pursuant to the Case Management Order, the Court placed this matter on the October 2011 trial list, and set the following deadlines which have not yet expired:

Discovery Cut-Off:	June 15, 2011
Dispositive Motions and Supporting Briefs:	July 1, 2011
Plaintiffs' and Defendants' Initial Expert Report(s):	April 15, 2011
Supplemental/Rebuttal Expert Reports:	May 16, 2011

Pretrial Conference:
Jury Selection:

September 1, 2011
October 4, 2011

11. The parties have recently agreed to mediate this matter and the mediation will be held in Denver, Colorado.
12. Given that the parties will soon be participating in mediation with a good-faith attempt to resolve this litigation, it would be inefficient and costly for the parties to incur significant additional expense that may be unnecessary pending the outcome of the mediation.
13. Furthermore, because the mediation will be in Denver, the parties are likely to require additional time to coordinate and complete the mediation.
14. As such, the parties jointly respectfully request the Court to extend all currently existing deadlines in the case, including those established by the Case Management Order, by ninety (90) days to allow the parties to plan and complete their mediation in Denver, Colorado without incurring other potentially unnecessary costs.
15. With respect to those deadlines established by the Case Management Order which are predetermined by the Court with respect to the trial list on which the action is placed (i.e., Discovery Cut-Off, Dispositive Motions, Final Pre-Trial Conference and Jury Selection), the parties' request for a ninety (90) day extension is intended to correspond to those dates already established by the Court, even if such dates are not exactly 90 days.

WHEREFORE, The Hershey Company, Hottrix LLC and Versatile Systems, Inc. jointly respectfully request that the Court grant this Motion, and extend all remaining deadlines, including those established in the Case Management Order, by ninety (90) days pending mediation of the above-referenced matter.

February 28, 2011

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and that the document is being served electronically upon counsel of record through the Court's electronic transmission facilities.

/s/ Shawn K. Leppo
An attorney for Plaintiff/Counterclaim
Defendant The Hershey Company and
Counterclaim Defendant Versatile
Systems, Inc.

Date: February 28, 2011