Case3:09-cv-03517-SI Document171 Filed09/01/11 Page1 of 5

| 1 2 3 4 5 6 7 8 | WILLIAM J. FRIEDMAN (admitted pro hac E-Mail: wfriedman@cov.com SIMON J. FRANKEL (State Bar No. 171552) E-Mail: sfrankel@cov.com MARGARET D. WILKINSON (State Bar No E-Mail: mwilkinson@cov.com COVINGTON & BURLING LLP One Front Street, 35th Floor San Francisco, California 94111 Telephone: (415) 591-6000 Facsimile: (415) 591-6091 Attorneys for Defendants THE HAIN CELESTIAL GROUP, INC., KISS MY FACE CORPORATION, |) | | |
|--------------------------------------|--|---|--|--|
| 9 | and LEVLAD, LLC | | | |
| 10 | | | | |
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| 12 | UNITED STATES DISTRICT COURT | | | |
| 13 | FOR THE NORTHERN I | DISTRICT OF CALIFORNIA | | |
| 14 | SAN JOS | E DIVISION | | |
| 15 | ALL ONE GOD FAITH, INC., d/b/a DR. | Civil Case No.: CV-09-3517 JF (HRL) | | |
| | BRONNER'S MAGIC SOAPS, a California | | | |
| 16 | corporation, | STIPULATION TO RESCHEDULE | | |
| 17 | Plaintiff, | SEPTEMBER 9, 2011 HEARING; [PROPOSED] ORDER | | |
| 18 | VS. | | | |
| 19 | THE HAIN CELESTIAL GROUP, INC., a Delaware corporation; KISS MY FACE | | | |
| 20 | CORPORATION, a New York corporation; LEVLAD, LLC, a California limited | | | |
| 21 | liability company; YSL BEAUTE, INC., a New York corporation; GIOVANNI | | | |
| 22 | COSMETICS, INC., a California corporation; COSWAY COMPANY, INC., | | | |
| 23 | a California corporation; COUNTRY LIFE, | | | |
| 24 | LLC, a New York limited liability company; ORGANIC AND SUSTAINABLE | | | |
| 25 | INDUSTRY STANDARDS, INC., a Nevada corporation; ECOCERT FRANCE | | | |
| 26 | (SAS), a French corporation; and ECOCERT, INC., a Delaware corporation; | | | |
| 27 | • | | | |
| 28 | Defendants. | | | |
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STIPULATION TO RESCHEDULE SEPTEMBER 9, 2011 HEARING; [PROPOSED] ORDER Civil Case No.: CV-09-3517 JF (HRL)

| 1 | IT IS HEREBY STIPULATED, by and between the parties hereto, that the | | |
|----|--|--|--|
| 2 | hearing on the parties' pending motions currently scheduled for Friday, September 9, 2011 ma | | |
| 3 | be rescheduled to Friday, September 16, 2011. | | |
| 4 | GOOD CAUSE exists for this Stipulation, as follows: | | |
| 5 | 1. On June 10, 2011, a case management conference was held. The Court | | |
| 6 | scheduled a hearing on any motions the parties might file regarding how to proceed in this | | |
| 7 | action for September 9, 2011. | | |
| 8 | 2. On August 3, 2011, the Court entered an order approving the parties' | | |
| 9 | stipulated briefing schedule, under which opening briefs would be filed on or before August 5, | | |
| 10 | oppositions would be filed on or before August 19, and replies would be filed on or before | | |
| 11 | August 26. | | |
| 12 | 3. On August 4, Defendants Hain, KMF, and Levlad filed their Renewed | | |
| 13 | Motion to Dismiss the Third Amended Complaint, in which the remaining defendants joined. | | |
| 14 | On August 5, Plaintiff filed a Motion to Lift Stay and Proceed Pursuant to Discovery Plan. | | |
| 15 | 4. Counsel for Hain, KMF, and Levlad has a scheduling conflict on | | |
| 16 | September 9, and the parties have agreed that the hearing may be held on September 16 instead | | |
| 17 | and | | |
| 18 | 5. Counsel has confirmed with the Court's calendar clerk that the Court is | | |
| 19 | available to hold the hearing on September 16. | | |
| 20 | Accordingly, the parties request that the Court reschedule the hearing to | | |
| 21 | September 16, 2011. | | |
| 22 | DATED: August 18, 2011 FARELLA BRAUN & MARTEL LLP | | |
| 23 | SANDLER, REIFF & YOUNG PC | | |
| 24 | By: | | |
| 25 | JOHN L. COOPER Attorneys for Plaintiff | | |
| 26 | ALL ONE GOD FAITH, INC., d/b/a DR. BRONNER'S MAGIC SOAPS | | |
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Case3:09-cv-03517-SI Document171 Filed09/01/11 Page3 of 5

| 1 | COVINGTON & BURLING LLP |
|--------|---|
| 2 | |
| 3 | By: /s/ MARGARET D. WILKINSON |
| 4 5 | Attorneys for Defendants THE HAIN CELESTIAL GROUP, INC.; KISS MY FACE CORPORATION; and LEVLAD, LLC |
| 6 | LEVLAD, LLC |
| 7 | I EWITT HACKMANI SHADIDO |
| 8 | LEWITT, HACKMAN, SHAPIRO, MARSHALL & HARLAN LLP |
| 9 | D |
| 10 | By:/s/ STEPHEN T. HOLZER Attorneys for Defendant GIOVANNI COSMETICS, INC. |
| 11 | COSMETICS, INC. |
| 12 | WESTRUP KLICK LLP |
| 13 | |
| 14 | By: /s/ RHONDA KLICK |
| 15 | Attorneys for Defendant COSWAY COMPANY, INC. |
| 16 | |
| 17 | BARTKO, ZANKEL, TARRANT & MILLER |
| 18 | AJ ROTONDI, PLLC |
| 19 | By: |
| 20 | BENJAMIN K. RILEY Attorneys for Defendant COUNTRY |
| 21 | LIFE, L.L.C. |
| 22 | ROPERS, MAJESKI, KOHN & |
| 23 | BENTLEY |
| 24 | By: |
| 25 | THOMAS A. CLARKE, JR. Attorneys for Defendants |
| 26 | ECOCÉRT FRANCE (SAS) and ECOCERT, INC. |
| 27 | |
| 28 | |
| | |

PROPOSED ORDER

[Local Rules 7-12 and 16-2 (e)]

PURSUANT TO STIPULATION, IT IS SO ORDERED.

| 9/1/2011 Date: | |
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ATTESTATION I, Margaret D. Wilkinson, am the ECF user whose User ID and Password are being used to file the STIPULATION TO RESCHEDULE SEPTEMBER 9, 2011 HEARING and [PROPOSED] ORDER. In compliance with General Order 45.X.B, I hereby attest that concurrence in the filing of this document has been obtained from signatories John L. Cooper, Stephen T. Holzer, Rhonda Klick, Benjamin K. Riley, and Thomas A. Clarke, Jr. DATED: August 18, 2011 Margaret D. Wilkinson