

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

THE NORTH FACE APPAREL CORP., )  
a Delaware Corporation, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
WILLIAMS PHARMACY, INC. )  
JAMES A. WINKELMANN, JR., and )  
THE SOUTH BUTT, LLC, )  
 )  
Defendants. )

Case No. 4:09-cv-02029-RWS

**DEFENDANT WILLIAMS PHARMACY'S  
REQUEST TO PASS THE CASE FOR SETTLEMENT  
IN LIEU OF COMPLIANCE WITH THE COURT'S SCHEDULING ORDER**

Defendant WILLIAMS PHARMACY, INC., respectfully requests to be relieved of the obligation of filing the documents required by the Court's scheduling order and to pass the case for settlement. Defendant advises the Court that on March 22, 2010, counsel for Plaintiff and Defendant Williams Pharmacy reached an oral agreement to settle the case. Counsel have been endeavoring to document the settlement since that time. Counsel further advises the Court that on information and belief, on April 1, 2010, Plaintiff and the remaining defendants settled the case at the scheduled mediation of this case, so that no part of the litigation will be proceeding.

Respectfully submitted,

PAULE, CAMAZINE & BLUMENTHAL  
*A Professional Corporation*

By: */s/ Thomas M. Blumenthal*

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CERTIFICATE OF SERVICE

The undersigned hereby states that on this 5<sup>th</sup> day of April, 2010, the foregoing was electronically filed with the Clerk of Court via the Court's electronic filing system to be served by operation of the Court's electronic filing system upon the following:

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*/s/ Thomas M. Blumenthal*

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