

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STOKELY-VAN CAMP, INC.,

Plaintiff and Counterclaim-Defendant,

v.

THE COCA-COLA COMPANY and
ENERGY BRANDS INC.,

Defendants and Counterclaim-Plaintiffs.

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No. 09 CV 3741 (JGK) (HP)

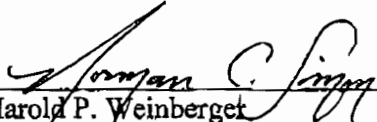
IT IS HEREBY STIPULATED AND AGREED by and among Plaintiff and Counterclaim Defendant Stokely-Van Camp, Inc. ("SVC") and Defendants and Counterclaim Plaintiffs The Coca-Cola Company and Energy Brands Inc. ("Coca-Cola"), through their undersigned counsel, that:

1. SVC's claims against Coca-Cola in the above-captioned action are hereby dismissed with prejudice;
2. Coca-Cola's affirmative defenses and counterclaim in the above-captioned action are hereby dismissed with prejudice, but only insofar as they specifically address SVC's marketing, labeling, advertising and/or promotional claims concerning the inclusion of calcium and/or magnesium in Gatorade Endurance Formula;
3. Coca-Cola's affirmative defenses and counterclaim in the above-captioned action are hereby dismissed without prejudice except as indicated in Paragraph 2 above; and

4. Each party is to bear its own attorneys' fees, costs, and disbursements.

Dated: December 10, 2009

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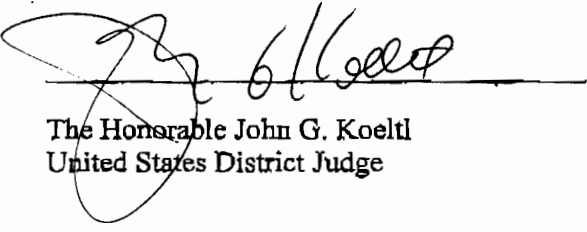
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Of Counsel

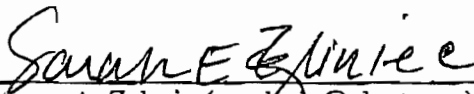
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SO ORDERED on this 11 day of December 2009


 The Honorable John G. Koeltl
 United States District Judge

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