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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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STEUBEN FOODS, INC., 10-CV-780(EAW)  
Plaintiff  
vs. Buffalo, New York  
OYSTAR USA, INC. AND KAN-PAK September 19, 2018  
LLC, 1:04 p.m.  
Defendants

- - - - -X  
STEUBEN FOODS, INC., 10-CV-781(EAW)  
Plaintiff  
vs.  
SHIBUYA HOPPMANN CORP. and  
HP HOOD, LLP  
Defendant

- - - - -X  
STEUBEN FOODS, INC., 12-CV-904(EAW)  
Plaintiff  
vs.  
GEA PROCESS ENGINEERING,  
INC. AND GEA PROCOMAC  
S.P.A.,  
Defendants

- - - - -X  
STEUBEN FOODS, INC., 13-CV-892(EAW)  
Plaintiff  
vs.  
NESTLE, USA,  
Defendant

- - - - -X  
STEUBEN FOODS, INC., 13-CV-1118(EAW)  
Plaintiff  
vs.  
JASPER PRODUCTS,  
Defendant.

- - - - -X

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE JEREMIAH J. MCCARTHY  
UNITED STATES MAGISTRATE JUDGE

AUDIO RECORDER: Deborah A. Zamito

1 TRANSCRIBER: Christi A. Macri, FAPR-CRR  
2 Kenneth B. Keating Federal Building  
3 100 State Street, Room 4240  
4 Rochester, New York 14614

5 (Proceedings recorded by electronic sound recording,  
6 transcript produced by computer).

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ALSO PRESENT: DOUGLAS BESMAN, ESQ. (Via telephone)

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25 Appearing on behalf of Jasper Products

P R O C E E D I N G S

\* \* \*

**THE CLERK:** All rise.

**MAGISTRATE JUDGE MCCARTHY:** Good afternoon. Please be seated.

**THE CLERK:** On the record, this is Steuben Foods vs. the following:

Oystar USA, 10-CV-780.

Shibuya Hoppmann, 10-CV-781.

GEA Process Engineering, 12-CV-904.

Nestle USA, 13-CV-892.

And Jasper Products LLC, 13-CV-1118.

Counselors, please state your name for the record and the party or parties that you represent. We'll begin in the courtroom at the plaintiff's table.

**MR. FISHER:** Thomas Fisher on behalf of plaintiff Steuben Foods, Incorporated.

**MR. STANGANELLI:** Joseph Stanganelli on behalf of plaintiff Steuben Foods. And also with me from Barkley Damon as well is Ryan Ganzemuller.

**MR. ALCIATI:** Cook Alciati on behalf of Steuben Foods.

**THE CLERK:** Defense in the courtroom.

**MR. ROZENDAAL:** J.C. Rozendaal on behalf of the Shibuya and Hood defendants. And with me is Bill Christ.

1           **MS. CARRON:** Virginia Carron on behalf of Nestle  
2 U.S.A.. And with me in the courtroom is Mike Prewitt from  
3 Nestle. Also on the phone with me is Tom Jenkins, Tyler Akagi  
4 and Doug Besman from Nestle U.S.A.

5           **MAGISTRATE JUDGE MCCARTHY:** Okay.

6           **MR. ATKINS:** Bill Atkins on behalf of the GEA  
7 defendants. With me is Ben Kiersz and Michael Brady.

8           **MR. HURD:** Michael Hurd on behalf of defendant  
9 Jasper Products.

10          **MR. WOHLFORD:** Will Wohlford on behalf of Kan-Pak.

11          **THE CLERK:** Okay. Now on the phone anyone for the  
12 plaintiffs?

13          **MR. AVIGLIANO:** Charlie Avigliano on behalf of  
14 Steuben Foods.

15          **THE CLERK:** Okay. Defendant Oystar?

16          **MR. SCHATZ:** Brett Schatz on behalf of Oystar.

17          **MR. AHRENS:** Greg Ahrens on behalf of Oystar.

18          **THE CLERK:** Anyone else for Kan-Pak?

19          **MR. WOHLFORD:** Will Wohlford here in the courtroom.

20          **THE CLERK:** Okay. Shibuya, anybody else? Okay,  
21 GEA? No. Nestle? No.

22          **MR. BESMAN:** Yes, Douglas Besman for Nestle U.S.A..

23          **THE CLERK:** And Mr. Hurd.

24          **MR. AKAGI:** Tyler Akagi and Tom Jenkins, but I think  
25 Ms. Carron already said that.

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