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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 _____)
20 STEVEN EDSTROM, BARRY)
GINSBURG, MARTIN GINSBURG,)
21 EDWARD LAWRENCE, SHARON)
MARTIN, MARK M. NAEGER, JOHN)
22 NYPL, DANIEL SAYLE, WILLIAM)
STAGE,)

23 *Plaintiffs,*)

24 v.)

25 ANHEUSER-BUSCH INBEV SA/NV,)
26 GRUPO MODELO S.A.B. de C.V., and)
CONSTELLATION BRANDS, INC.)

27 *Defendants.*)
28 _____)

CASE NO. C-13-1309-MMC

**JOINT NOTICE TO COURT
REGARDING TEMPORARY
RESTRAINING ORDER**

The Honorable Maxine M. Chesney

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24 *Attorneys for* CONSTELLATION BRANDS, INC.

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1 At 5:47 PM last night, Plaintiffs filed a Motion for Temporary Restraining Order in this
2 action seeking to block Anheuser-Busch InBev SA/NV's acquisition of the remaining shares of
3 Grupo Modelo S.A.B. de C.V. it does not already own. The Court should be aware that the
4 Anheuser-Busch InBev/Modelo transaction closed as scheduled this morning. See Exhibit A.
5 Consequently, Plaintiffs' application for a TRO is moot. Nevertheless, beyond the Motions to
6 Dismiss filed by Defendants yesterday, which reflect the futility of Plaintiff's case more generally,
7 Defendants will file by noon PDT today or shortly thereafter opposition papers showing
8 specifically that the Motion for a TRO has, and had, no merit. We respectfully request that the
9 Court take no action until it receives our papers.

10 DATED: June 4, 2013

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

11 BY:

12 /s/ Allen J. Ruby

13 Allen J. Ruby

14 Attorney for Defendant

ANHEUSER-BUSCH INBEV SA/NV

15 DATED: June 4, 2013

FENWICK & WEST LLP

16 BY:

17 /s/ Dean S. Kristy

18 Dean S. Kristy

19 Attorneys for Defendant

GRUPO MODELO S.A.B. DE C.V.

20 DATED: June 4, 2013

McDERMOTT WILL & EMERY LLP

21 BY:

22 /s/ Daniel E. Alberti

23 Daniel E. Alberti

24 Attorneys for Defendant

25 CONSTELLATION BRANDS, INC.

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SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that I have obtained the concurrence in the filing of this document from all the signatories for whom a signature is indicated by a “conformed” signature (/s/) within this e-filed document and I have on file records to support this concurrence for subsequent production for the court if so order or for inspection upon request.

DATED: June 4, 2013

/s/ Allen J. Ruby

Allen J. Ruby

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ECF CERTIFICATION

I hereby certify that a true and correct copy of the foregoing document was filed electronically on this fourth day of June, 2013. As of this date, all counsel of record except Kenneth R. Schwartz have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system.

/s/ Allen J. Ruby

Allen J. Ruby