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18 Attorneys for Defendant FARE LOGISTICS
 CORPORATION OF BRITISH COLUMBIA, CANADA

19 UNITED STATES DISTRICT COURT
 20
 21 EASTERN DISTRICT OF CALIFORNIA

22 CITY OF FRESNO,
 Plaintiff,
 23
 v.
 24 FARE LOGISTICS CORPORATION OF
 25 BRITISH COLUMBIA, CANADA
 26 Defendant.

Case No. 12-cv-02080-AWI-BAM

**ORDER APPROVING STIPULATION TO
 FILE AMENDED COMPLAINT AND
 DISMISSING MOTION TO DISMISS AS
 MOOT AND VACATING HEARING**

1 NOW COMES Plaintiff, City of Fresno, by and through counsel Francine M. Kanne, Interim
2 City Attorney, Tamara Bogosian, Senior Deputy City Attorney, Talia Kolluri-Barbick, Deputy City
3 Attorney and Defendant, Fare Logistics Corporation of British Columbia, Canada, through Timothy
4 Thompson, Robert Harris, Jeffrey Winick and Carrie Berger, who hereby stipulate as follows:

5 A. Whereas, on December 26, 2012, Plaintiff, City of Fresno (“City”) filed a Complaint
6 against Defendant, Fare Logistics Corporation (“FLC”);

7 B. Whereas, on February 12, 2013, FLC filed a Motion to Dismiss Count III of the
8 Complaint and Strike Portions of the Prayer for Relief Pursuant to F.R.C.P. 8(a), F.R.C.P. 12(b)(6) and
9 F.R.C.P. 12(f), which is pending before the Court (“Motion to Dismiss”);

10 C. Whereas, on February 13, 2013, after having received the Motion to Dismiss, counsel
11 for the City contacted counsel for FLC and requested that the parties stipulate that, in lieu of the City’s
12 filing of a Response to the Motion to Dismiss, the City be permitted leave to amend its Complaint;
13

14 Whereas, the Parties stipulate as follows:

15 1. The CITY shall file an Amended Complaint by March 1, 2013;

16 2. FLC shall have twenty-eight (28) days thereafter, through and including March 29,
17 2013, to answer or otherwise respond to the Amended Complaint filed in this matter. It
18 is further stipulated that Defendant FLC waives notice and service of the Amended
19 Complaint;
20

21 3. Upon the City’s filing of the Amended Complaint, FLC’s Motion to Dismiss shall be
22 deemed withdrawn and the March 18, 2013, hearing date currently scheduled on the
23 Motion to Dismiss shall be stricken.
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25 IT IS SO STIPULATED.
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1 Dated: February 19, 2013

CITY OF FRESNO

2 By: /s/ Tamara Bogosian
3 Tamara Bogosian
4 Attorney for Plaintiff

5 By: /s/Timothy L. Thompson
6 Timothy L. Thompson
7 Attorney for Defendant

8
9 **ORDER**

10 Pursuant to Stipulation between the parties, IT IS HEREBY ORDERED:

- 11 1) Plaintiff's request for leave to file the Amended Complaint is GRANTED (Doc. 22);
12 2) The First Amended Complaint filed as a separate docket entry (Doc. 21) is deemed
13 filed as of March 1, 2013;
14 3) Defendant shall have through and including March 29, 2013, to answer or otherwise
15 respond to the Amended Complaint filed in this matter and notice and service of the
16 Amended Complaint is waived;
17 4) Defendant's Motion to Dismiss (Doc. 18) is deemed MOOT and the March 18,
18 2013 motion hearing shall be VACATED.
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20 IT IS SO ORDERED.

21 Dated: March 14, 2013

/s/ Barbara A. McAuliffe
22 U.S. Magistrate Judge

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