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5 Attorneys for Defendants COURTESY OLDSMOBILE-CADILLAC, INC., a California  
corporation, and BEN WELLS, an individual  
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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 THE SHERWIN-WILLIAMS COMPANY,  
d/b/a SHERWIN-WILLIAMS AUTOMOTIVE  
12 FINISHES,

13 Plaintiff,

14 v.

15 COURTESY OLDSMOBILE-CADILLAC,  
INC., a California corporation; and BEN WELLS,  
16 an individual.

17 Defendant.  
18

Case No. 1:15-cv-01137-MJS

**STIPULATION AND ORDER TO  
EXTEND TIME TO AMEND ANSWER  
AND FILE MOTION TO STRIKE**

19 TO THE HONORABLE MICHAEL J. SENG, UNITED STATES MAGISTRATE JUDGE:

20 Defendants COURTESY OLDSMOBILE-CADILLAC, INC. and BEN WELLS  
21 (collectively, "Defendants"), and Plaintiff, THE SHERWIN-WILLIAMS COMPANY, d/b/a  
22 SHERWIN-WILLIAMS AUTOMOTIVE FINISHES ("Plaintiff"), by and through their  
23 respective counsel, hereby agree and stipulate as follows:

24 **RECITALS**

25 WHEREAS, Plaintiff filed a Complaint for Damages and Demand for Jury Trial (the  
26 "Complaint") on July 22, 2015, in United States District Court, Eastern District of California,  
27 Case No. 1:15-cv-01137.

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1 WHEREAS, Defendants filed an Answer to the Complaint on October 5, 2015.

2 WHEREAS, Any Motion to Strike by Plaintiff must be filed on or before October 26,  
3 2015.

4 WHEREAS, Defendants intend to voluntarily amend their Answer.

5 WHEREAS, Plaintiff and Defendants have agreed to extend the time for Defendants to  
6 voluntarily amend their Answer to on or before November 9, 2015.

7 WHEREAS, in the event Defendants do not voluntarily amend their Answer, Plaintiff and  
8 Defendants have agreed to extend the time for Plaintiff to file a Motion to Strike to on or before  
9 November 23, 2015.

10 **STIPULATION**

11 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendants  
12 as follows:

13 1. The time for Defendants to file an Amended Answer shall be extended to on or  
14 before November 9, 2015.

15 2. Should Defendants not file an Amended Answer, the time for Plaintiff to file a  
16 Motion to Strike shall be extended to November 23, 2015.

17 **IT IS SO STIPULATED.**

18  
19 Dated: October 19, 2015

By: /s/ Matthew W. Quall  
Matthew W. Quall  
Attorneys for Defendants  
COURTESY OLDSMOBILE-CADILLAC,  
INC., a California corporation,  
and BEN WELLS, an individual

20  
21  
22  
23 Dated: October 19, 2015

By: /s/ George Fish  
George Fish  
Attorneys for Plaintiff THE SHERWIN-  
WILLIAMS COMPANY, d/b/a  
SHERWIN-WILLIAMS AUTOMOTIVE  
FINISHES

**ORDER**

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED:

1. The time for Defendants to file an Amended Answer shall be extended to on or before November 9, 2015.

2. Should Defendants not file an Amended Answer, the time for Plaintiff to file a Motion to Strike shall be extended to November 23, 2015.

3. Inasmuch as the pleadings are not yet at issue and issues of consent to Magistrate Judge jurisdiction have been addressed and resolved, the Initial Scheduling Conference set for October 22, 2015 at 10:00 AM shall be, and hereby is, CONTINUED to January 14, 2016 at 11:30 AM before Magistrate Judge Michael J. Seng.

IT IS SO ORDERED.

Dated: October 21, 2015

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE