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9 corporation, and BEN WELLS, an individual

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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

Plaintiff,

v.

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

Defendant.

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

**STIPULATION AND ORDER FOR
EXTENSION OF TIME TO FILE
DISPOSITIVE MOTIONS**

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

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

RECITALS

WHEREAS, the parties intend to voluntarily attend mediation in March of 2017 on a
mutually agreeable date.

WHEREAS, the dates selected for mediation are either March 1-2, 2017 or March 8-10,
2017, in accordance with mediator availability.

1 WHEREAS, the parties were not able to schedule mediation during the month of February
2 due to health-related issues of BEN WELLS. Namely, Mr. Wells has suffered recent heart failures
3 and has scheduled doctors' appointment throughout the month of February and is therefore unable
4 to mediate the dispute in February.

5 WHEREAS, treating physicians for Mr. Wells indicate he will be able to participate in
6 mediation in March.

7 WHEREAS, the parties have agreed to extend the time to file dispositive motions to allow
8 the parties to participate in mediation.

9 **STIPULATION**

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

12 1. The time for the parties to file dispositive motions shall be extending to March 31,
13 2017.

14 **IT IS SO STIPULATED.**

15
16 Dated: January 18, 2017

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

20 Dated: January 18, 2017

20 By: /s/ Natasha M. Lockhart
21 Jeffrey Wilson
21 Natasha M. Lockhart
22 Attorneys for Plaintiff THE SHERWIN-
22 WILLIAMS COMPANY, d/b/a
23 SHERWIN-WILLIAMS AUTOMOTIVE
23 FINISHES

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ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the time for the parties to file dispositive motions in case 1:15-cv-01137 MJS, Sherwin-Williams Co. v Courtesy Oldsmobile-Cadillac, Inc., may be extended to March 31, 2017, **PROVIDED** the parties understand and mutually agree that if a dispositive motion is filed and set for hearing at any time after April 7, 2017, the Pretrial Conference and Trial dates will have to be continued.

IT IS SO ORDERED.

Dated: January 19, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE