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9 AGRIBUSINESS, INC. AND SAMUEL, SON &  
CO. (USA) INC.

10  
11 **UNITED STATES DISTRICT COURT**  
12 **EASTERN DISTRICT OF CALIFORNIA**

13  
14 H.W.J. DESIGNS FOR AGRIBUSINESS, )  
INC., et al, )

15 Plaintiffs, )

16 vs. )

17 RETHCEIF ENTERPRISES, LLC A/K/A )  
18 RETHCEIF PACKAGING, et al., )

19 Defendants. )  
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Case No. 1:17-cv-00272-AWI-SKO

**STIPULATION TO WITHDRAW  
MOTION TO DISMISS AND STRIKE  
(DOC. 34) AND ORDER**

1 On May 26, 2017, Plaintiffs filed a Motion To Dismiss Certain Counterclaims And Strike  
2 Certain Affirmative Defenses (Doc. 34, "the Motion"). The Motion has been fully briefed as of June 19,  
3 2017 (Doc. 43). In the interests of judicial economy, Plaintiffs are willing to withdraw the Motion,  
4 without prejudice to whatever rights they otherwise have to raise in the future the same or similar  
5 arguments regarding alleged deficiencies in Defendants' pleadings. Defendants are agreeable to the  
6 withdrawal of the Motion and agree not to assert or argue that the withdrawal of the Motion was made in  
7 bad faith or is grounds for assertion of sanctions or attorney's fees.

8 Accordingly, subject to the approval of this Honorable Court, the parties stipulate to the  
9 withdrawal of the Motion (Doc. 34).

10 IT IS SO STIPULATED.

11 DATED: February 28, 2018

**FOLEY & LARDNER LLP**

12 /s/ Victor de Gyarfas  
13 Attorneys for Plaintiffs H.W.J. DESIGNS  
14 FOR AGRIBUSINESS, INC. and  
SAMUEL, SON & CO. (USA) INC.

**HAHN LOESER & PARKS LLP**

16 /s/ R. Eric Gaum  
17 Attorneys for Defendant RETHCEIF  
18 ENTERPRISES, LLC a/k/a RETHCEIF  
PACKAGING

**KILPATRICK TOWNSEND &  
STOCKTON LLP**

21 /s/ Steven D. Moore  
22 Attorneys for Defendant L.P. BROWN  
COMPANY, INC.

23 Having reviewed the parties' STIPULATION TO WITHDRAW MOTION TO DISMISS  
24 AND STRIKE (DOC. 34), the Stipulation is approved.

25 IT IS SO ORDERED.

26 Dated: February 28, 2018

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28 SENIOR DISTRICT JUDGE

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