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6 and BONNIE JOY BESHWATE

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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

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11 RICHARD ANTHONY BESHWATE,) Case No.: 1:17-cv-00417-DAD-SAB
12 JR. and BONNIE JOY BESHWATE,)
13 each individually,) ORDER RE STIPULATION OF
14) PARTIES RE: FILING FIRST
Plaintiffs,) AMENDED COMPLAINT IN LIEU
15) OF OPPOSITION TO MOTIONS TO
16 v.) DISMISS AND STRIKE
17)
BMW OF NORTH AMERICA, LLC, a)
18 Delaware Limited Liability Company;)
19 CARMAX AUTO SUPERSTORES)
CALIFORNIA, LLC, a Virginia Limited)
20 Liability Company; and DOES 1-500,)
21 inclusive,)
22 Defendants.)

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24 TO THE HONORABLE COURT:

25 Plaintiffs RICHARD ANTHONY BESHWATE, JR. and BONNIE JOY
26 BESHWATE and Defendant CARMAX AUTO SUPERSTORES CALIFORNIA,
27 LLC, (the “Parties”), hereby stipulate and request as follows:
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IT IS SO STIPULATED.

Dated: July 31, 2017

SCHLICHTER & SHONACK, LLP

/s/ - Kurt A. Schlichter

By: KURT A. SCHLICHTER
KIM TABIN MANN
KEVIN B. WHEELER
Attorneys for Defendant CARMAX
AUTO SUPERSTORES
CALIFORNIA, LLC

IT IS SO STIPULATED.

Dated: July 31, 2017

LEWIS BRISBOIS BISGAARD & SMITH
LLP

/s/ - Roger S. Raphael

By: Roger S. Raphael
Robert Farrell
Attorneys for Defendant BMW OF
NORTH AMERICA, LLC

IT IS SO STIPULATED.

Dated: July 31, 2017

THE GILMAN LAW FIRM APC

/s/ - Emmett Gilman

By: EMMETT GILMAN
Attorneys for Plaintiffs RICHARD
ANTHONY BESHWATE, JR. and
BONNIE JOY BESHWATE

ORDER

Pursuant to the stipulation of the parties, IT IS ORDERED that:

1. Plaintiffs are granted leave to file a first amended complaint in lieu of opposition to Defendant’s motions to dismiss and strike;
2. The Clerk of the Court is directed to terminate Defendant’s motion to dismiss (ECF No. 11) and motion to strike (ECF No. 12);
3. The August 16, 2017 hearing for the motion to dismiss and motion to strike is vacated;
4. Plaintiffs shall file the first amended complaint by August 15, 2017;
and
5. If Plaintiffs do not file the first amended complaint by August 15, 2017, Defendant CarMax Auto Superstores California, LLC may refile its motion to dismiss and motion to strike.

IT IS SO ORDERED.

Dated: August 2, 2017


UNITED STATES MAGISTRATE JUDGE