

BURSOR & FISHER, P.A.

L. Timothy Fisher (State Bar No. 191626)
 Sarah N. Westcot (State Bar No. 264916)
 1990 North California Blvd., Suite 940
 Walnut Creek, CA 94596
 Telephone: (925) 300-4455
 Facsimile: (925) 407-2700
 Email: ltfisher@bursor.com
swestcot@bursor.com

BURSOR & FISHER, P.A.

Scott A. Bursor (State Bar No. 276006)
 369 Lexington Ave., 10th Floor
 New York, NY 10017
 Telephone: (212) 989-9113
 Facsimile: (212) 989-9163
 Email: scott@bursor.com

Attorneys for Plaintiffs

(additional counsel listed on signature page)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KYLE DEI ROSSI and MARK LINTHICUM, on
 behalf of themselves and those similarly situated,

Plaintiffs,

v.

WHIRLPOOL CORPORATION, PACIFIC SALES
 KITCHEN AND BATH CENTERS, INC. AND
 BEST BUY COMPANY, INC.,

Defendants.

Case No. 2:12-CV-00125-JAM-JFM

Hon. John A. Mendez

**STIPULATION AND ORDER
 CONTINUING HEARING DATE
 AND EXTENDING TIME FOR
 BRIEFING ON DEFENDANTS'
 MOTION TO DISMISS AND
 MOTION TO STRIKE**

STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING DATE AND EXTENDING TIME
 FOR BRIEFING ON DEFENDANTS' MOTION TO DISMISS AND MOTION TO STRIKE
 CASE NO. 2:12-CV-00125-JAM-JFM

1 Plaintiffs filed a Class Action Complaint (“Complaint”) against Defendants Whirlpool
2 Corporation (“Whirlpool”), Pacific Sales Kitchen and Bath Centers, Inc. (“Pacific Sales”), and Best
3 Buy, Inc. (“Best Buy”) (collectively “Defendants”) on January 17, 2012. Defendants filed a
4 Motion to Dismiss Plaintiffs’ Class Action Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) and a
5 Motion to Strike Count VIII of Plaintiffs’ Class Action Complaint on March 12, 2012. (Dkt. Nos.
6 17-18). The motions are set for hearing before this Court on May 16, 2012 at 9:30 a.m.

7 Plaintiffs’ counsel conferred with Defendants’ counsel on April 27, 2012 regarding a
8 continuation of the May 16 hearing date, and an extension of time for the parties to file opposition
9 and reply briefs. Pursuant to Eastern District of California Local Rule 144(a), Plaintiffs and
10 Defendants hereby stipulate that the hearing on Defendants’ Motion to Dismiss and Motion to
11 Strike shall be moved to June 20, 2012 at 9:30 a.m. Pursuant to Eastern District Local Rule 230(a)
12 and (b), Plaintiffs’ oppositions shall be due on or before June 6, 2012 and Defendants’ replies shall
13 be due on or before June 13, 2012.

14 Dated: April 30, 2012

Respectfully submitted,

15 By: /s/ Sarah N. Westcot
16 Sarah N. Westcot

17 **BURSOR & FISHER, P.A.**
18 L. Timothy Fisher (State Bar No. 191626)
19 Sarah N. Westcot (State Bar No. 264916)
20 1990 N. California Blvd., Suite 940
21 Walnut Creek, CA 94596
22 Telephone: (925) 300-4455
23 Facsimile: (925) 407-2700
24 E-Mail: ltfisher@bursor.com
25 swestcot@bursor.com

Attorneys for Plaintiffs

26 By: /s/ Galen D. Bellamy
27 Galen D. Bellamy

28 **WHEELER TRIGG O’DONNELL LLP**
Galen D. Bellamy (State Bar No. 231792)
1801 California Street, Suite 3600
Denver, Colorado 80202
Telephone: (303) 244-1800

Facsimile: (303) 244-1879
Email: bellamy@wtotrial.com
Attorneys for Defendants

IT IS SO ORDERED.

Dated: 4/30/2012

/s/ John A. Mendez

Hon. John A. Mendez
United States District Judge