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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
SUBSTITUTING PARTIES**

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 Company, Inc. (collectively “Defendants”) on January 17, 2012.

4 Plaintiffs were recently informed that the Best Buy entity named in the Complaint, Best
5 Buy Company, Inc., is the incorrect name of the intended defendant. Defendants agree that Best
6 Buy Stores, LP, a wholly owned subsidiary of Best Buy Co., Inc., is the correct defendant, as Best
7 Buy Stores, LP is responsible for the sale of the appliances at issue in this action. Defendants
8 further agree that Best Buy Stores, LP has sufficient financial resources to cover any judgment
9 entered by this Court in this action.

10 Plaintiffs agree to voluntarily dismiss Best Buy Company, Inc. as a defendant in the above-
11 captioned lawsuit, without prejudice. Best Buy Stores, LP agrees to be substituted as a named
12 defendant in this lawsuit, and will be deemed to be served as of the date of service on Best Buy
13 Company, Inc.

14 Any and all claims or causes of action, if any, by Plaintiffs against Best Buy Company, Inc.
15 and Best Buy Co., Inc. relating to the subject matter of this lawsuit shall be tolled from the filing
16 date of this lawsuit until the date that any of the Best Buy entities is no longer a party to this
17 lawsuit.

18 Nothing in the parties’ agreement shall be construed as an admission, denial or waiver by
19 any of the parties as to any of the Plaintiffs’ claims against the Best Buy entities or any of the Best
20 Buy entities’ defenses, including, without limitation, jurisdictional and venue challenges to
21 Plaintiffs’ claims. If Plaintiffs seek to add any Best Buy entity as a named defendant, Plaintiffs
22 shall be entitled to assert any and all available claims, and the Best Buy entities shall be entitled to
23 assert any and all available defenses and counterclaims, including, without limitation, jurisdictional
24 and venue challenges.

25 With respect to discovery, Best Buy Stores, LP shall not object to any discovery
26 propounded by Plaintiffs on the ground that the requested documents, data or information are in the
27 possession, custody or control of the Best Buy Company, Inc. or Best Buy Co., Inc. For purposes
28

1 of allowing Best Buy Stores, LP to fully respond to Plaintiffs' discovery requests, Best Buy
2 Company, Inc. or Best Buy Co., Inc. shall grant Best Buy Stores, LP access to and control over any
3 documents, data and information in their possession, custody and control. Any discovery request
4 propounded by Plaintiffs on Best Buy Stores, LP shall also encompass any documents, data and
5 information in the possession, custody and control of Best Buy Company, Inc. or Best Buy Co.,
6 Inc. Best Buy Stores, LP does not waive any right to object to Plaintiffs' discovery on any other
7 grounds.

8 Dated: May 7, 2012

Respectfully submitted,

9
10 By: /s/ Sarah N. Westcot
Sarah N. Westcot

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22 *Attorneys for Defendants and Best Buy Stores, LP*

23
24 **IT IS SO ORDERED.**

25 Dated: May 7, 2012

/s/ John A. Mendez

26 Hon. John A. Mendez
27 United States District Court Judge