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10 Attorneys for Defendants

11 **UNITED STATES DISTRICT COURT**

12 **EASTERN DISTRICT OF CALIFORNIA**

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

15 Plaintiffs,

16 vs.

17 WHIRLPOOL CORPORATION, PACIFIC  
 SALES KITCHEN AND BATH  
 18 CENTERS, INC. and BEST BUY STORES,  
 LP,

19 Defendants.

CASE NO. 2:12-cv-00125-JAM-JFM

**STIPULATION AND ORDER  
 CONTINUING HEARING DATE AND  
 EXTENDING TIME  
 FOR DEFENDANTS' REPLY IN  
 SUPPORT OF MOTION TO DISMISS  
 AND MOTION TO STRIKE**

21 Plaintiffs filed a Class Action Complaint ("Complaint") against Defendants  
 22 Whirlpool Corporation ("Whirlpool"), Pacific Sales Kitchen and Bath Centers, Inc. ("Pacific  
 23 Sales"), and Best Buy, Inc. ("Best Buy") (collectively "Defendants") on January 17, 2012.  
 24 Defendants filed a Motion to Dismiss Plaintiffs' Class Action Complaint Pursuant to Fed. R.  
 25 Civ. P. 12(b)(6) and a Motion to Strike Count VIII of Plaintiffs' Class Action Complaint on  
 26 March 12, 2012. (Dkt. Nos.17-18). The motions are set for hearing before this Court on July  
 27 25, 2012 at 9:30 a.m. Defendants' counsel conferred with Plaintiffs' counsel on July 12,  
 28 2012 regarding a continuation of the July 25 hearing date, and an extension of time for the

1 Defendants to file a reply brief. Pursuant to Eastern District of California Local Rule 144(a),  
2 Plaintiffs and Defendants hereby stipulate that the hearing on Defendants' Motion to  
3 Dismiss and Motion to Strike shall be moved to September 5, 2012 at 9:30 a.m. By  
4 agreement of the parties, Defendants' replies shall be due on or before August 3, 2012.

5 Dated: July 13, 2012.

Respectfully submitted,

6  
7 By: /s/ Galen D. Bellamy

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27  
28 **IT IS SO ORDERED.**

Dated: July 18, 2012

/s/ John A. Mendez

Hon. John A. Mendez  
United States District Judge