

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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)
888 Seventh Avenue
New York, NY 10019
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,

Defendant.

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

Hon. John A. Mendez

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

1 Plaintiffs filed a First Amended Class Action Complaint (“Complaint”) against Defendant
2 Whirlpool Corporation (“Whirlpool”) on September 25, 2012. Defendant filed a Motion to
3 Dismiss Plaintiffs’ Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) on October 15, 2012. (Dkt. No.
4 59). The motion is set for hearing before this Court on December 5, 2012 at 9:30 a.m.

5 Plaintiffs’ counsel conferred with Defendant’s counsel on November 7, 2012 regarding a
6 continuation of the December 5 hearing date, and an extension of time for the parties to file
7 opposition and reply briefs. Pursuant to Eastern District of California Local Rule 144(a), Plaintiffs
8 and Defendant hereby stipulate that the hearing on Defendant’s Motion to Dismiss shall be moved
9 to January 23, 2013 at 9:30 a.m. Pursuant to Eastern District Local Rule 230(a) and (b), Plaintiffs’
10 opposition shall be due on or before December 5, 2012 and Defendant’s reply shall be due on or
11 before January 9, 2013.

12 Dated: November 8, 2012

Respectfully submitted,

13
14 By: /s/ Sarah N. Westcot
Sarah N. Westcot

15 **BURSOR & FISHER, P.A.**

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

20 *Attorneys for Plaintiffs*

21 By: /s/ Sean G. Saxon
22 Sean G. Saxon

23 **WHEELER TRIGG O’DONNELL LLP**

24 Galen D. Bellamy (*pro hac vice*)
Sean G. Saxon (State Bar No. 230054)
1801 California Street, Suite 3600
25 Denver, Colorado 80202
Telephone: (303) 244-1800
26 Facsimile: (303) 244-1879
27 Email: bellamy@wtotrial.com
saxon@wtotrial.com

28 *Attorneys for Defendants*

1 **IT IS SO ORDERED.**

2
3 Dated: 11/8/2012

/s/ John A. Mendez

4 Hon. John A. Mendez
5 United States District Court Judge
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28