

1 Joseph M. Alioto (SBN 42680)
2 Jamie L. Miller (SBN 271452)
3 ALIOTO LAW FIRM
4 One Sansome Street, 35th Floor
5 San Francisco, CA 94104
6 Telephone: 415-434-8900
7 Facsimile: 415-434-9200
8 Email: jmiller@aliotolaw.com
9 Email: jmalimoto@aliotolaw.com

10 *Attorneys for Plaintiffs*

11 **UNITED STATES DISTRICT COURT FOR THE**
12 **EASTERN DISTRICT OF CALIFORNIA**

13 SHARIDAN STILES, *et al.*,

14 Plaintiffs,

15 v.

16 WAL-MART STORES, INC, *et al.*,

17 Defendants.

) **CASE NO.:**

) **2:14-cv-2234-MCE-CMK**

) **STIPULATION AND ORDER**
) **TO EXTEND TIME TO**
) **RESPOND TO DEFENDANTS’**
) **COUNTERCLAIMS AND TO**
) **MODIFY THE BRIEFING**
) **SCHEDULE ON**
) **DEFENDANTS’ MOTION TO**
) **DISMISS AND/OR MOTION**
) **TO STRIKE**

1 Plaintiffs Sharidan Stiles and Stiles 4 U, Inc. (“Plaintiff” or “Stiles”) and Defendants Wal-
2 Mart Stores, Inc. (“Walmart”) and American International Industries (“AI,” collectively
3 “Defendants”) by and through their respective counsel, hereby stipulate as follows:
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5 **WHEREAS**, on August 10, 2018, Walmart filed a Motion to Dismiss Claims One and
6 Two of Plaintiffs’ Fourth Amended Complaint or in the Alternative a Motion to Strike
7 Immaterial Matter (Dkt. No. 147); and

8 **WHEREAS**, on August 10, 2018, Defendant American International Industries joined
9 in Walmart’s Motion (Dkt. No. 150); and

10 **WHEREAS**, on August 10, 2018, Defendants Walmart and American International
11 Industries filed Answers and Counterclaims against Plaintiffs (Dkt. Nos. 148 and 151); and

12 **WHEREAS**, the deadline for Plaintiffs to answer or to otherwise respond to
13 Defendants’ Counterclaims is on or before August 31, 2018; and

14 **WHEREAS**, the deadline for Plaintiffs to file an opposition to Defendants’ Motion is
15 on or before September 6, 2018; and

16 **WHEREAS**, the deadline for Defendants to file a reply brief in support of Defendants’
17 Motion is on or before September 13, 2018; and

18 **WHEREAS**, the hearing date on Defendants’ Motion to Dismiss, which was set for
19 September 20, 2018, was vacated by the Court (Dkt. No. 153);

20 **AND WHEREAS**, in light of Plaintiffs’ counsel’s previously scheduled travel and
21 conflicts in other matters, additional time is necessary to respond to Defendants’ Motion and
22 Counterclaims. In addition, Defendants require additional time to submit a reply brief because
23 of conflicts in other matters. Plaintiffs’ counsel has conferred with counsel for Defendants,
24 and the parties have agreed to extend the deadline to respond to Defendants’ Counterclaims
25 and to modify the briefing schedule on Defendants’ Motion as follows:
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1 **THEREFORE, THE PARTIES, BY AND THROUGH THEIR RESPECTIVE**
2 **UNDERSIGNED COUNSEL, HEREBY STIPULATE, AND THE COURT ORDERS**
3 **AS FOLLOWS:**

4 1. Plaintiffs' deadline for answering or otherwise responding to Defendants'
5 Counterclaims (Dkt. Nos. 148 and 151) is extended to on or before September 14, 2018; and

6 2. Plaintiffs' deadline for filing the Opposition to Defendants' Motion is extended
7 to on or before September 14, 2018, and Defendants' deadline for filing any Reply Brief is
8 extended to on or before September 27, 2018.
9

10
11 Dated: August 21, 2018

ALIOTO LAW FIRM

/s/ Jamie L. Miller

Jamie L. Miller (SBN 271452)
ALIOTO LAW FIRM
One Sansome Street, 35th Floor
San Francisco, CA 94104
Telephone: 415-434-8900
Facsimile: 415-434-9200
Email: jmiller@aliotolaw.com
Email: jmalioto@aliotolaw.com

Attorney for Plaintiffs

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19 Dated: August 21 ,2018

WHITE & CASE LLP

/s/ Catherine S. Simonsen

Catherine S. Simonsen (SBN 307325)
catherine.simonsen@whitecase.com
WHITE & CASE LLP
555 S. Flower Street, Suite 2700
Los Angeles, CA 90071-2433
Telephone: (213) 620-7700
Facsimile: (213) 452-2329
Email: catherine.simonsen@whitecase.com

Attorneys for Defendant Wal-Mart Stores, Inc.

1 Dated: August 21, 2018

**CONKLE, KREMER & ENGEL,
PROFESSIONAL LAW CORPORATION**

2 /s/ Zachary Page

3 Zachary Page
4 Conkle, Kremer & Engel, Professional Law
5 Corporation
6 3130 Wilshire Blvd., Suite 500
7 Santa Monica, CA 90403
8 3130 Wilshire Blvd., Suite 500
9 Santa Monica, CA 90403
10 (310) 998-9100 x105
11 Fax: (310) 998-9109
12 Email: m.kremer@conklelaw.com

*Attorneys for Defendant American International
Industries*


13 **ORDER**

14 Pursuant to the parties' stipulation and good cause appearing, the following deadlines
15 are hereby amended as follows:

- 16 1. Plaintiffs' deadline for answering or otherwise responding to Defendants'
17 Counterclaims (ECF Nos. 148 and 151) is extended to not later than **September 14, 2018**; and
18 2. Plaintiffs' deadline for filing an Opposition to Defendants' Motion is extended
19 to not later than **September 14, 2018**, and Defendants' deadline for filing any Reply Brief is
20 extended to not later than **September 27, 2018**.

21 IT IS SO ORDERED.

22 Dated: August 29, 2018

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24 MORRISON C. ENGLAND, JR.
25 UNITED STATES DISTRICT JUDGE