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 11 Attorneys for Defendant
 WAL-MART STORES, INC.

12
 13 UNITED STATES DISTRICT COURT
 14 EASTERN DISTRICT OF CALIFORNIA

15
 16 SHARIDAN STILES, an individual, STILES
 17 4 U, INC., a California Corporation,
 18 Plaintiffs,
 19 v.
 20 WAL-MART STORES, INC.; AMERICAN
 21 INTERNATIONAL INDUSTRIES,
 22 Defendants.

Case No. 2:14-cv-2234-MCE-CMK

**STIPULATION AND ORDER TO
 CONTINUE HEARING DATE FOR
 DEFENDANTS' MOTIONS TO DISMISS
 (DKT. NOS. 64, 65, 71, AND 72) AND
 PLAINTIFFS' MOTION TO STRIKE
 (DKT. NO. 75)**

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1 Defendants Wal-Mart Stores, Inc. (“Walmart”) and American International Industries
2 (“AII”) (collectively, “Defendants”) and plaintiffs Sharidan Stiles and Stiles 4 U, Inc.
3 (collectively, “Plaintiffs”), by and through their respective counsel, hereby stipulate as follows:

4 **WHEREAS**, on August 8, 2016, Walmart filed a motion to dismiss Plaintiffs’ antitrust
5 claims alleged in the Second Amended Complaint (“Antitrust Motion to Dismiss”) (Dkt. No. 64);

6 **WHEREAS**, on August 8, 2016, AII filed a motion to join the Antitrust Motion to Dismiss
7 and to dismiss Plaintiffs’ Second Amended Complaint (Dkt. No. 65) (“AII Motion to Dismiss”);

8 **WHEREAS**, the Antitrust Motion to Dismiss and the AII Motion to Dismiss are fully
9 briefed (Dkt. Nos. 64, 65, 69, 73, and 74);

10 **WHEREAS**, on October 6, 2016, Walmart filed a motion to dismiss Plaintiffs’ Lanham
11 Act claims (“Lanham Act Motion to Dismiss”) (Dkt. No. 71), which AII joined (Dkt. No. 72);

12 **WHEREAS**, on October 10, 2016, Plaintiffs filed a motion to strike the Lanham Act
13 Motion to Dismiss (“Motion to Strike”) (Dkt. No. 75);

14 **WHEREAS**, on November 9, 2016, Walmart and Plaintiffs, respectively, filed oppositions
15 to the Lanham Act Motion to Dismiss and the Motion to Strike (Dkt. Nos. 83 and 84);

16 **WHEREAS**, in an Order dated November 7, 2016 (Dkt. No. 80), the Court ordered that
17 Walmart’s reply in support of its Lanham Act Motion to Dismiss and Plaintiffs’ reply in support
18 of their Motion to Strike are to be filed on or before November 23, 2016, and that the Antitrust
19 Motion to Dismiss, the AII Motion to Dismiss, the Lanham Act Motion to Dismiss, and the
20 Motion to Strike are to be heard by the Court on December 1, 2016;

21 **WHEREAS**, on November 22, 2016, Walmart substituted new counsel in place of its prior
22 counsel; and

23 **WHEREAS**, to allow time for Walmart’s new counsel to prepare for the hearing on the
24 foregoing motions, they have conferred with counsel for Plaintiffs and AII, and the parties have
25 agreed, subject to the Court’s approval, to continue, to January 12, 2017, the hearing on the
26 Defendants’ Motions to Dismiss (Dkt. Nos. 64, 65, 71, and 72) and Plaintiffs’ Motion to Strike
27 (Dkt. No. 75).

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ORDER

Pursuant to the parties' stipulation, and good cause appearing, it is hereby ordered that all pending motions—Defendants' Motions to Dismiss (Dkt. Nos. 64, 65, 71, and 72) and Plaintiffs' Motion to Strike (Dkt. No. 75)—shall be continued from December 1, 2016, to January 12, 2017, at 2:00 p.m. in Courtroom 7.

IT IS SO ORDERED.

Dated: November 29, 2016


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE