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8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 In Re: Webkinz Antitrust Litigation

**CASE NO. M-08-CV-01987 JSW**

**STIPULATION AND ~~PROPOSED~~  
 ORDER RE CONSOLIDATION**

12 This document also relates to:  
 13  
 14 NUTS FOR CANDY, a Sole Proprietorship,  
 15 individually and on behalf of all others  
 similarly situated,  
 16  
 Plaintiff,  
 17  
 v.  
 18 GANZ, INC. and GANZ U.S.A. LLC,  
 19  
 Defendants.

**CASE NO. CV-08-2873 JSW**

20 This document also relates to:  
 21  
 22 THE PHIPPS CORPORATION, d/b/a  
 School-Crossing, Inc., on behalf of itself and  
 23 all others similarly situated,  
 24  
 Plaintiff,  
 25  
 v.  
 26 GANZ, INC. and GANZ U.S.A. LLC,  
 27  
 Defendants.

**CASE NO. CV-08-5235 JSW**

1 The Parties, by and through their counsel of record, hereby stipulate as follows:

2 WHEREAS, on October 17, 2008, the Judicial Panel on Multidistrict Litigation  
3 consolidated the following actions in this Court for pretrial proceedings:

- 4 • *Nuts for Candy v. Ganz, Inc., et al.*, Case No. 3:08-2873;  
5 • *Scott Comstock, et al. v. Ganz, Inc., et al.*, Case No. 1:08-4167; and  
6 • *Cortes Country Stores, Inc., etc. v. Ganz, Inc., et al.*, Case No. 1:08-  
7 11184.

8 WHEREAS, the above three actions (collectively captioned as *In Re: Webkinz*  
9 *Antitrust Litigation*, Case No. M-08-cv-01987 JSW), were brought against the same  
10 Defendants, Ganz, Inc. and Ganz U.S.A., LLC, and all allege that Defendants  
11 implemented an illegal tying arrangement requiring retailers to buy unrelated products  
12 from them in order to purchase their popular Webkinz toys;

13 WHEREAS, on November 19, 2008, Plaintiff The Phipps Corporation, d/b/a  
14 School-Crossing, Inc., filed an action against Defendants Ganz, Inc. and Ganz U.S.A.,  
15 LLC in this Court titled *The Phipps Corporation, d/b/a School-Crossing, Inc. v. Ganz,*  
16 *Inc.*, Case No. CV-08-5235 (hereinafter, "*School-Crossing*");

17 WHEREAS, on December 4, 2008, *School-Crossing* was deemed related to *Nuts*  
18 *for Candy v. Ganz, Inc., et al.*, Case No. 3:08-2873, and was assigned to this Court, as  
19 they both involve substantially the same defendants; arise from the same or closely  
20 related transactions, happenings, or events; and call for determination of the same or  
21 substantially related or similar questions of law and fact;

22 WHEREAS, in an effort to effectively manage this litigation and move it forward in an  
23 efficient manner,

24 IT IS HEREBY STIPULATED THAT:

25 The action titled *The Phipps Corporation, d/b/a School-Crossing, Inc. v. Ganz, Inc.*, Case  
26 No. CV-08-5235 JSW should be consolidated with *In Re: Webkinz Antitrust Litigation*, Case No.  
27 M-08-cv-01987 JSW for pretrial proceedings.

1 Dated: January 27, 2009

**FINKELSTEIN THOMPSON LLP**

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8 Dated: January 27, 2009

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15 Dated: January 27, 2009

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22 Dated: January 27, 2009

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1 Dated: January 27, 2009

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8 *GANZ U.S.A., LLC*

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1 Pursuant to the Parties' stipulation, and good cause appearing:

2 **IT IS HEREBY ORDERED** that *The Phipps Corporation, d/b/a School-Crossing, Inc.*  
3 *v. Ganz, Inc.*, Case No. CV-08-5235 JSW is hereby consolidated with *In Re: Webkinz Antitrust*  
4 *Litigation*, Case No. M-08-cv-01987 JSW for pretrial proceedings.

5  
6 Dated: January 29, 2009

  
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HONORABLE JEFFREY S. WHITE

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