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17 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
 18 **(SAN FRANCISCO DIVISION)**

19 SEAN WHELAN, individually and on  
 20 behalf of those similarly situated,

21 Plaintiff,

22 vs.

23 MILES INDUSTRIES LTD.

24 Defendant.  
 25  
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Case No.: 3:11-cv-02146-EDL

**STIPULATION AND ORDER VACATING  
 DEFENDANT'S MOTION TO COMPEL  
 AND MOTION FOR SANCTIONS**

27 The parties have reached an agreement that resolves the discovery dispute giving rise to the  
 28 Motion to Compel (Docket No. 102) and Motion for Sanctions (Docket No. 107) filed with this Court on

1 July 20, 2012. The Motions are hereby vacated. The parties' agreement is memorialized in Exhibits 1-5  
2 to this stipulation.

3 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:

4  
5 DATED: August 3, 2012

s/ F. Jerome Tapley  
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25 DATED: August 3, 2012

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Attorneys for Defendant Miles Industries, Ltd.

**ORDER**

Pursuant to the Stipulation of the Parties, IT IS SO ORDERED.

DATE: August 6, 2012

Hon. Judge E



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