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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 HUMBOLDT WHOLESALE INC, a California)
12 corporation,)
13 Plaintiff,)
14 v.)
15 HUMBOLDT NATION DISTRIBUTION,)
16 LLC, a California limited liability company;)
17 HUMBOLDT NUTRIENTS, LLC, a California)
18 limited liability company,)
19 Defendants.)

Case No. CV 114144

STIPULATION FOR LEAVE TO FILE
FIRST AMENDED ANSWER AND
COUNTERCLAIM AND ~~PROPOSED~~
ORDER THEREON

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21 IT IS HEREBY STIPULATED by Plaintiff HUMBOLDT WHOLESALE INC.
22 ("Plaintiff") and Defendants HUMBOLDT NATION DISTRIBUTION, LLC and HUMBOLDT
23 NUTRIENTS, LLC ("Defendants"), by and through their respective counsel of record, that:

24 WHEREAS, Plaintiff filed its Complaint in the instant action on August 23, 2011;

25 WHEREAS, Defendants filed an Answer and Counterclaim to the Complaint on
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1 December 12, 2011;

2 WHEREAS, Plaintiff filed a Motion to Strike Certain Affirmative Defenses from
3 Defendants' Answer on January 6, 2012;

4 WHEREAS, Plaintiff and Defendants met and conferred regarding the Motion to Strike,
5 and the parties agreed that Defendants should be permitted to file a First Amended Answer and
6 Counterclaim, a true and correct copy of which is attached hereto as Exhibit A.

7 Therefore, IT IS HEREBY STIPULATED that Defendants shall be permitted to file a
8 First Amended Answer and Counterclaim to the Complaint, which is attached as Exhibit A.

9 IT IS SO STIPULATED.

10 Dated: January 18, 2012

PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP

11 By: /s/ Megan E. McCarthy

Megan E. McCarthy
Attorneys for Plaintiff
Humboldt Wholesale Inc.

12 Dated: January 18, 2012

JOHNSON, MONCRIEF & HART, PC

13 By/s/ Dennis J. Lewis

Dennis J. Lewis
Attorneys for Defendants
Humboldt Nation Distribution, LLC
and Humboldt Nutrients, LLC

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~~PROPOSED~~ ORDER

Pursuant to the Stipulation of the parties, IT IS HEREBY ORDERED that Defendants are granted leave to file a First Amended Answer and Counterclaim to Plaintiff's Complaint. A true and correct copy of said First Amended Answer and Counterclaim is attached as Exhibit A. *This Order moots Plaintiff's Motion to Strike portions of Defendants' answer*
IT IS SO ORDERED. (Docket No. 37).

This Order disposes of Docket Nos. 37 and 40.

Dated: January 20, 2012

Edward M. Chen
Judge of the United States District Court
Northern District of California

