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11 [Additional counsel listed on signature block]

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**

14 GREGORY BROD, Individually and on
 15 Behalf of All Others Similarly Situated,

16 Plaintiff,

17 v.

18 SIOUX HONEY ASSOCIATION,
 19 COOPERATIVE, an Iowa entity,

20 Defendant.

Case No.: 12-CV-01322 EMC

CLASS ACTION

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING WITHDRAWAL
 WITHOUT PREJUDICE OF MOTIONS
 TO CONSOLIDATE AND APPOINT
 INTERIM LEAD COUNSEL**

21 SORAYA ROSS, Individually and on
 22 Behalf of All Others Similarly Situated,

23 Plaintiff,

24 v.

25 SIOUX HONEY ASSOCIATION
 26 COOPERATIVE, an Iowa entity,

27 Defendants.

Case No.: 12-CV-01645 EMC

1 **WHEREAS** on August 8, 2012, Plaintiff Gregory Brod filed a motion to consolidate
2 *Brod v. Sioux Honey Association*, Case No. C 12-01322 EMC, with *Ross v. Sioux Honey*
3 *Association*, Case No. C 12-01645 EMC, and to appoint interim lead class counsel (Dkt. 42) (the
4 “Brod Motion”);

5 **WHEREAS** on August 22, 2012, Plaintiff Soraya Ross filed a response to the Motion to
6 Consolidate and a cross-motion to appoint interim lead counsel (Dkt. 46) (the “Ross Motion”);

7 **WHEREAS** the Brod Motion and the Ross Motion currently are scheduled for hearing
8 before the Honorable Edward M. Chen on October 26, 2012;

9 **WHEREAS**, pursuant to the Court’s order of September 11, 2012 (Dkt. 52), Plaintiff
10 Brod intends to file an amended complaint on or before October 11, 2012;

11 **IT IS HEREBY STIPULATED AND AGREED** that, in accordance with the Court’s
12 instructions on September 21, 2012, Plaintiff Brod and Plaintiff Ross, through their counsel,
13 hereby withdraw the Brod Motion and Ross Motion, respectively, without prejudice to re-filing
14 those motions after Plaintiff Brod files his amended complaint in *Brod v. Sioux Honey*
15 *Association*.

16 DATED: September 28, 2012

KAPLAN FOX & KILSHEIMER LLP

17
18 By: /s/Laurence D. King
Laurence D. King

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DATED: September 28, 2012

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Attorneys for Plaintiff Soraya Ross

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: October 1, 2012



Edward M. Chen
U.S. District Court Judge

ATTESTATION

I, Laurence D. King, hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-filed document.

By: /s/Laurence D. King
Laurence D. King

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