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15 *Counsel for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**

18 MAJEED SEIFI AND TRACEY DEAKIN, On
 19 Behalf Of Themselves And All Others Similarly
 20 Situated,

21 Plaintiffs,

22 vs.

23 MERCEDES-BENZ USA, LLC,

24 Defendant.

Case No. 12-cv-5493-TEH

CLASS ACTION

**STIPULATION AND [~~PROPOSED~~] ORDER
 WITHDRAWING WITHOUT PREJUDICE
 PLAINTIFFS' MOTION FOR PARTIAL
 SUMMARY JUDGMENT AS TO
 LIABILITY OR, IN THE ALTERNATIVE,
 SUMMARY ADJUDICATION**

**Judge: Hon. Thelton E. Henderson
 Courtroom: 2, 17th Floor**

1 WHEREAS, on November 24, 2015, Plaintiffs Majeed Seifi and Tracey Deakin (collectively
2 “Plaintiffs”) filed a Motion for Partial Summary Judgment As to Liability Or, In the Alternative,
3 Summary Adjudication [Dkt. No, 107];
4

5 WHEREAS, Plaintiffs’ motion was initially noticed for a hearing on January 12, 2015, which
6 was later rescheduled to March 23, 2015 at 10:00 am.

7 WHEREAS, Plaintiffs have decided to withdraw without prejudice their filed motion, such that
8 a hearing on the filed motion will not be necessary at this time:
9

10 The parties to the above-entitled action, therefore, Stipulate and Agree to the following:

- 11
- 12 1. Plaintiffs’ Motion for Partial Summary Judgment As To Liability Or, In the Alternative,
13 Summary Adjudication is hereby withdrawn without prejudice.
 - 14 2. The hearing on Plaintiffs’ Motion for Partial Summary Judgment As to Liability Or, In the
15 Alternative, Summary Adjudication is hereby vacated.
16

17 Dated: March 16, 2015

/s/ Roy A. Katriel
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1 March 16, 2015

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7 Attorneys for Defendant MERCEDES-BENZ USA, LLC

10 Filer's Attestation: The filer of this document attests that the concurrence of the signatories
11 thereunto has been obtained.

14 **IT IS SO ORDERED.**

15 Dated: 03/17, 2015

