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7 Attorneys for Defendant
 HOME DEPOT USA, INC.

RECEIVED

APR 09 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

APR 09 2013

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 [additional parties and counsel listed in signature block]
9

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13

<p>14 ORCHARD SUPPLY HARDWARE LLC, Plaintiff, 15 16 v. 17 HOME DEPOT USA, INC., MILWAUKEE ELECTRIC TOOL CORPORATION, and 18 MAKITA USA, INC., Defendants. 19</p>
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Case No. 12-cv-6361 JST

STIPULATION AND [PROPOSED]
ORDER RESETTING CASE
MANAGEMENT CONFERENCE

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1 WHEREAS, Plaintiff Orchard Supply Hardware LLC filed a complaint in the
2 above-captioned case on December 14, 2012;

3 WHEREAS, Defendants Home Depot USA, Inc., Milwaukee Electric Tool
4 Corporation, and Makita USA, Inc. filed a motion to dismiss the complaint, which the
5 Court heard and took under submission on April 4, 2013;

6 WHEREAS, the Court has set an initial Case Management Conference for May 7,
7 2013 at 2:00 p.m.;


8 WHEREAS, subject to approval of the Court, the Parties stipulate to continue the
9 initial Case Management Conference, their initial exchanges under Rule 26 of the Federal
10 Rules of Civil Procedure, and their initial meet-and-confer conference under Rule 26 of the
11 Federal Rules of Civil Procedure, so that these procedures take place after the Court has
12 settled the pleadings in this case;

13 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
14 among the undersigned counsel, on behalf of their respective clients, as follows:

15 Subject to the approval of the Court, the parties stipulate that the initial Case
16 Management Conference scheduled for May 7, 2013 will be taken off calendar. Promptly
17 after the Court has issued an order that settles the pleadings, the Parties will jointly ask the
18 Court to reschedule the above proceedings, and, if the Court prefers, the parties will prepare
19 a proposed CMC Order in accordance with the Court's instructions that sets the dates for
20 these proceedings.

21 Dated: April 8, 2013.

22 **SO ORDERED:**

23 
24 _____
25 The Honorable John S. Tigart
26 District Court Judge

27 _____
28 Date Entered

4/9/13