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

12 \_\_\_\_\_ )  
 13 ORCHARD SUPPLY HARDWARE LLC, )  
 14 Plaintiff, )  
 15 vs. )  
 16 HOME DEPOT USA, INC., MILWAUKEE )  
 17 ELECTRIC TOOL CORPORATION, and )  
 MAKITA USA, INC., )  
 18 Defendants. )  
 \_\_\_\_\_ )

Case No.: 12-CV-6361 JST  
**JOINT STIPULATION AND  
~~PROPOSED~~ ORDER EXTENDING  
 TIME TO RESPOND TO SECOND  
 AMENDED COMPLAINT**

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1 WHEREAS, pursuant to the Court's September 19, 2013 Order Granting in Part and  
2 Denying in Part Motion to Dismiss the Second Amended Complaint (Dkt. 59), Defendant  
3 Home Depot USA, Inc.'s answer to the Second Amended Complaint filed by Plaintiff  
4 Orchard Supply Hardware LLC on May 24, 2013 is currently due on October 18, 2013;

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

7 WHEREAS, Defendant has requested and Plaintiff has agreed to an additional two  
8 weeks for Defendant to answer the Second Amended Complaint;

9 WHEREAS, Defendant has not previously requested an extension of the time to  
10 answer;

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

13 Subject to the approval of the Court, the parties stipulate that Defendant's answer to  
14 the Second Amended Complaint shall be due on November 1, 2013.

15 Dated: October 15, 2013.

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**SO ORDERED:**

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The Honorable Jon S. Tigar  
District Court Judge

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October 16, 2013

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Date Entered

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