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9 Attorneys for Plaintiffs  
 10 SEBASTIEN LAGREE AND  
 11 SPX FITNESS, INC. D.B.A.  
 12 LAGREE FITNESS

Attorneys for Defendants  
 SPARTACUS 20TH LP (NV) D.B.A.  
 BODYROK; SPARTACUS 20TH  
 PROPERTIES, L.P.; SPARTACUS 20TH  
 PROPERTIES G.P., INC.; BODYROK  
 FRANCHISE, L.P.; BODYROK FRANCHISE  
 G.P., INC.; PHILIP R. PALUMBO; JAKOB  
 IRION; EXERCISE TECHNOLOGIES, L.P.;  
 and SCULPT FITNESS BERKELEY, LLC

14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA**

16 **SAN FRANCISCO DIVISION**

17 SEBASTIEN LAGREE AND  
 18 SPX FITNESS, INC. D.B.A LAGREE  
 FITNESS,

19 Plaintiffs,

20 v.

21 SPARTACUS 20TH LP (NV) D.B.A.  
 22 BODYROK, SPARTACUS 20TH  
 23 PROPERTIES, L.P., SPARTACUS 20TH  
 PROPERTIES G.P., INC., PHILIP R.  
 24 PALUMBO, JAKOB IRION, BODYROK  
 FRANCHISE, L.P., BODYROK  
 25 FRANCHISE G.P., INC., EXERCISE  
 TECHNOLOGIES, L.P., SCULPT FITNESS  
 26 BERKELEY, LLC, AND DOES 1  
 THROUGH 10, INCLUSIVE,

27 Defendants.

Case No. 3:15-cv-04592-JST

**STIPULATION WITHDRAWING  
 PLAINTIFFS' MOTION FOR  
 EXPEDITED DISCOVERY AND  
 [PROPOSED] ORDER**

1 WHEREAS, defendants Spartacus 20th LP (NV) d.b.a. BodyRok; Spartacus 20th  
2 Properties, L.P.; Spartacus 20th Properties G.P., Inc.; Philip R. Palumbo; Jakob Irion; BodyRok  
3 Franchise, L.P.; BodyRok Franchise G.P., Inc.; Exercise Technologies, L.P.; and Sculpt Fitness  
4 Berkeley, LLC (collectively, "Defendants") filed a Motion to Dismiss Complaint or, in the  
5 Alternative, Motion for Summary Judgment on December 1, 2015, Dkt. No. 15;

6 WHEREAS, plaintiffs Sebastien Lagree and SPX Fitness, Inc. d.b.a. Lagree Fitness  
7 (collectively, "Plaintiffs") filed a Motion for Expedited Discovery on December 3, 2015, Dkt. No.  
8 18;

9 WHEREAS, on December 17, 2015, Defendants filed an Opposition to Plaintiffs' Motion  
10 for Expedited Discovery, Dkt. No. 24;

11 WHEREAS, on December 23, 2015, Plaintiffs filed a Reply in Support of Motion for  
12 Expedited Discovery, Dkt. No. 28;

13 WHEREAS, on January 11, 2016, the Court denied without prejudice Defendants' Motion  
14 to Dismiss Complaint or, in the Alternative, Motion for Summary Judgment, Dkt. No. 29;

15 WHEREAS, the Motion for Expedited Discovery is noticed for a hearing on January 21,  
16 2016, at 2:00 p.m., Dkt. No. 20;

17 WHEREAS, Plaintiffs and Defendants are scheduled for a mediation on February 1, 2016;  
18 and

19 WHEREAS, Plaintiffs have agreed to withdraw their Motion for Expedited Discovery  
20 without prejudice;

21 IT IS HEREBY STIPULATED AND AGREED, by the undersigned attorneys for the  
22 parties set forth below, that Plaintiffs' Motion for Expedited Discovery, Dkt. No. 18, is hereby  
23 withdrawn without prejudice as to any of the issues raised therein.

24  
25 Dated: January 20, 2016

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

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28 By: /s/ Stefani E. Shanberg  
Stefani E. Shanberg

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Attorneys for Plaintiffs  
SEBASTIEN LAGREE  
AND SPX FITNESS, INC.

Dated: January 20, 2016

GORDON & REES LLP

By:           /s/ Robert P. Andris            
Robert P. Andris

Attorneys for Defendants  
SPARTACUS 20TH LP (NV) DBA  
BODYROK; SPARTACUS 20TH  
PROPERTIES, L.P.; SPARTACUS 20TH  
PROPERTIES G.P., INC.; BODYROK  
FRANCHISE, L.P.; BODYROK FRANCHISE  
G.P., INC.; PHILIP R. PALUMBO; JAKOB  
IRION; EXERCISE TECHNOLOGIES, L.P.;  
and SCULPT FITNESS BERKELEY, LLC

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 20, 2016

