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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RESTORATION HARDWARE, INC., et al.,  
Plaintiffs,  
v.  
EVER ENERGY INC.,  
Defendant.

Case No. [16-cv-00323-JCS](#)

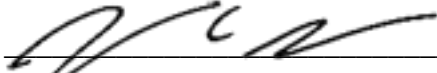
**ORDER DENYING AS MOOT MOTION  
TO DISMISS COUNTERCLAIMS**

Re: Dkt. No. 13

Plaintiffs Restoration Hardware, Inc. and RH US, LLC (collectively, “Restoration”) moved to dismiss the counterclaims filed by Defendant Ever Energy Inc. dba Rustica Hardware (“Rustica”). *See* dkt. 13. Rustica filed amended counterclaims in response to Restoration’s motion. *See* dkt. 15. In their joint case management statement, the parties agree that the amended counterclaims moot Restoration’s motion to dismiss. Dkt. 22 at 3–4. The motion is therefore DENIED AS MOOT, and the hearing set for April 29, 2016 is VACATED.<sup>1</sup> The case management conference set for April 22, 2016 remains on calendar.

**IT IS SO ORDERED.**

Dated: April 18, 2016

  
\_\_\_\_\_  
JOSEPH C. SPERO  
Chief Magistrate Judge

<sup>1</sup> The parties have consented to the jurisdiction of the undersigned magistrate judge for all purposes pursuant to 28 U.S.C. 636(c).