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*Attorney for Defendant, Counter-claimant and
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*Attorneys for Plaintiffs and Counter-Defendants
MagTarget LLC and Jean-Michel Thiers, and
Third-Party Defendant May Chen*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAGTARGET, LLC, and JEAN-MICHEL
THIERS, an individual

Plaintiffs,

v.

DARRELL SALDANA, an individual.

Defendant.

DARRELL SALDANA, an individual,

Counterclaimant,

v.

MAGTARGET, LLC, and JEAN-MICHEL
THIERS, an individual.

Counter-Defendants.

DARRELL SALDANA, an individual,

Third-Party Plaintiff,

v.

MAY CHEN,

Third-Party Defendant.

CASE NO. 3:18-CV-03527-JST

**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
AMENDMENT OF PLEADINGS AND
WITHDRAWAL OF PENDING MOTION
TO DISMISS**

1 Plaintiffs/Counter-Defendants MagTarget LLC and Jean-Michel Thiers, Defendant/Counter-
2 claimant/Third-Party Plaintiff Darrell Saldana, and Third-Party Defendant May Chen, by and through
3 their undersigned counsel of records, hereby stipulate and agree as follows:

4 **RECITALS**

5 WHEREAS, Plaintiff and counterclaim defendant Jean-Michel Thiers (“Thiers”) and third-
6 party defendant May Chen (“Chen”) have filed a Motion to Dismiss certain causes of action stated in
7 Defendant-counterclaim plaintiff and third-party plaintiff Darrell Saldana’s (“Saldana”) First
8 Amended Counterclaim and Third-Party Complaint; and

9 WHEREAS, the Court has set November 7, 2018 as a deadline to amend the pleadings absent
10 a showing of good cause under Fed. R. Civ. P. 15; and

11 WHEREAS, Saldana intends to file and serve an amended pleading on or before that
12 deadline; and

13 WHEREAS, such amendments may address the issues that are the subject of Thiers’s and
14 Chen’s Motion to Dismiss, and will moot that motion in any event as a matter of law;

15 NOW THEREFORE, all parties to this Action, by and through their undersigned counsel of
16 record, do hereby agree and stipulate as follows:

17 **STIPULATION**

18 1. Thiers’s and Chen’s pending motion to dismiss (Dkt. No. 30) is withdrawn, without
19 prejudice to their rights to move to dismiss Saldana’s amended pleading within 14 days of filing and
20 service of that amended pleading pursuant to Fed. R. Civ. P. 15(a)(3) (or, in the event Saldana does
21 not amend his pleading, within 14 days of the November 7, 2018 deadline to amend the pleadings);
22 and

23 2. No opposition or other response to Thiers’s and Chen’s motion to dismiss (Dkt. No.
24 30) is required, and the noticed hearing data of December 6, 2018 is vacated.

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Date: October 19, 2018

SINGER / BEA LLP

By: /s/ Adam Cashman

Adam S. Cashman
*Attorney for Defendant, Counterclaimant and
Third-Party Plaintiff Darrell Saldana*

Date: October 19, 2018


CHAN PUNZALAN LLP

By: /s/ Mark Punzalan

Mark Punzalan
Stephen Stanwood
*Attorneys for Plaintiffs and Counter-Defendants
MagTarget LLC and Jean-Michel Thiers, and Third-
Party Defendant May Chen*

SO ORDERED:

Dated: October 22, 2018



JON S TIGAR
UNITED STATES DISTRICT JUDGE

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ATTESTATION REGARDING SIGNATURES

I, Adam S. Cashman, attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Date: October 19, 2018

/s/ Adam S. Cashman

Adam S. Cashman