

**\*\* E-filed January 28, 2011 \*\***

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6 Attorneys for Defendants  
 SELECT BRANDS, INC. and  
 7 TARGET CORPORATION

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10 THOMAS SPILSBURY, JR. )

Case No.: CV 09 5955 JW

11 Plaintiff, )

**NOTICE OF WITHDRAWAL OF  
 MOTION FOR PROTECTIVE ORDER  
 SCHEDULED FOR HEARING ON  
 FEBRUARY 1, 2011**

12 vs. )

13 TARGET CORPORATION, SELECT )  
 14 BRANDS, INC, and DOES 1-25, inclusive, )

Complaint Filed: September 22, 2009

15 Defendants. )

16  
 17 WHEREAS, on November 17, 2010, after engaging in extensive meet and confer efforts,  
 18 Defendants Select Brands, Inc. and Target Corporation filed a Motion for Protective Order, along  
 19 with a Request to Set the Hearing on Shortened Time;

20 WHEREAS, on December 24, 2010, the Court denied the Request to Set the Hearing on  
 21 Shortened Time and set the Hearing Date on Defendant's Motion for Protective Order on  
 22 February 1, 2011;

23 WHEREAS, on January 11, 2011, after the parties engaged in exhaustive meet and confer  
 24 efforts for several months reached a stipulation addressing some of the issues set forth in  
 25 Defendants' Motion for Protective order;

26 WHEREAS, on January 18, 2011, the Court denied the proposed order (Denial of  
 27 Stipulation, Docket #75).



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11 Plaintiff, )

12 vs. )

13 TARGET CORPORATION, SELECT )  
14 BRANDS, INC, and DOES 1-25, inclusive, )

15 Defendants. )

Case No.: CV 09 5955 JW

**STIPULATION AND ORDER RE:  
WITHDRAWAL OF MOTION FOR  
PROTECTIVE ORDER SCHEDULED  
FOR HEARING ON FEBRUARY 1,  
2011**

Complaint Filed: September 22, 2009

16 IT IS HEREBY STIPULATED, AGREED AND JOINTLY REQUESTED by the parties,  
17 by and through their respective attorneys of record, that Defendants' Motion for Protective Order  
18 scheduled for hearing on February 1, 2011 be withdrawn, without prejudice to re-filing the motion  
19 with regard to issues that remain in dispute.

20 **IT IS SO AGREED,**

CORSIGLIA McMAHON & ALLARD, LLP

21  
22 January \_\_, 2011

By: \_\_\_\_\_

TIMOTHY D. McMAHON  
Attorneys for Plaintiff

23  
24 **IT IS SO AGREED,**

STONE & ASSOCIATES

25  
26 January 28, 2011

By:  \_\_\_\_\_

JULIET MACMILLIN LOMPA  
Attorneys for Defendants

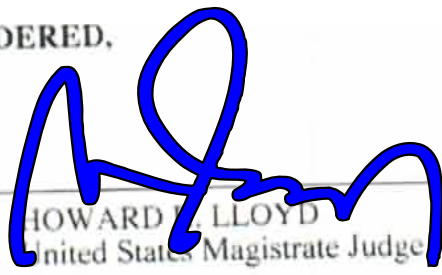
Defendants' motion for a protective order (Docket No. 53) is TERMINATED without prejudice per Defendants' request (Docket No. 91), and the February 1, 2001 hearing is VACATED.

~~PURSUANT TO STIPULATION,~~ IT IS SO ORDERED.

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Dated: January 28, 2011

By: \_\_\_\_\_



HOWARD E. LLOYD  
United States Magistrate Judge