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STIPULATION AND ~~PROPOSED~~ ORDER

WHEREAS, pursuant to the Court’s February 19, 2013 order (Docket No. 90), the deadline to submit rebuttal expert reports is currently set for March 1, 2013;

WHEREAS, the parties, Plaintiff West Marine, Inc. (“West Marine”) and Defendant Watercraft Superstore, Inc. (“Watercraft”), have reached a tentative agreement concerning the settlement of all claims in this action, and are continuing to negotiate the terms of that agreement;

WHEREAS, in light of this tentative agreement, the parties have stipulated, subject to approval of the Court, to extend the rebuttal expert report deadline and the related cut-off for expert discovery by five business days;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between West Marine and Watercraft, through their counsel of record, as follows:

- 1. The deadline to submit rebuttal expert reports, currently scheduled for March 1, 2013, will be extended to March 8, 2013;
- 2. The expert discovery cutoff, currently scheduled for March 11, 2013, will be extended to March 18, 2013;
- 3. The parties will apprise the Court of any further developments regarding settlement.

Dated: February 26, 2013

Respectfully submitted,
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: /s/ Allen Ruby
ALLEN RUBY
Attorneys for Defendant
WATERCRAFT SUPERSTORE, INC.

I, Allen Ruby, am the ECF User whose ID and password are being used to file this Stipulation To Extend Expert Discovery Deadlines In Light Of Continuing Negotiations Regarding Settlement and [Proposed] Order. In compliance with General Order 45, X.B., I attest that the following signatory has concurred in this filing.

1 DATED: February 26, 2013

GREENBERG TRAURIG, LLP

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By: /s/ Wendy M. Mantell
WENDY M. MANTELL
Attorneys for Plaintiff
WEST MARINE, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: March 1, 2013

HON. HOWARD R. LLOYD
UNITED STATES DISTRICT COURT
MAGISTRATE JUDGE