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Attorneys for Defendant E. I. Du Pont De Nemours and Company

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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

LOS GATOS MERCANTILE, INC. d/b/a
 LOS GATOS ACE HARDWARE, et al.,

Plaintiffs,

v.

E. I. DU PONT DE NEMOURS AND
 COMPANY, et al.,

Defendants.

Case No. 5:13-cv-01180-BLF

**STIPULATION AND [PROPOSED]
 ORDER REGARDING HEARING ON
 MOTIONS TO DISMISS**

[Civil L.R. 6-1, 6-2, 7-11, and 7-12]

Pursuant to Civil Local Rules 6-1, 6-2, 7-11, and 7-12, this Stipulation and [Proposed] Order is entered into by and between Plaintiffs Los Gatos Mercantile, Inc. d/b/a Los Gatos Ace Hardware; Ace Hardware of South Walton, Inc.; Abbott Paint and Carpet, Inc.; Lexington Home Center, LLC; Proctor's Building Materials, Inc. d/b/a Proctors Do it Best Bldg Mtrl; Greene's Hardware & Supply Company, Inc.; R.F. Cole, Inc. d/b/a Brewers Paint Center; The Carpet Shoppe, Inc.; Columbare, Inc. d/b/a Everyday's True Value; Jan Harrison; Lee Ranalli; Morgan Tanner; Spencer Hathaway; Todd Turley; Debbie Hale; Keli Anno; Deanna Deveney; Christopher Kuon-Tsen Lee; Jim Buckingham; Tanda Saxton; John Wozniak; Jerome

STIPULATION AND [PROPOSED] ORDER
 REGARDING HEARINGS ON MOTION TO DISMISS
 CASE NO. 5:13-CV-01180-BLF

1 Sherman; Beverly Jenkins; David Petersen; Tom Stever; Ransome Foose; Brian Bawol; and
2 Stacy Franklin (collectively “Plaintiffs”); Defendants E.I. DuPont de Nemours and Company;
3 Huntsman International, LLC; Kronos Worldwide, Inc.; and Millennium Inorganic Chemicals,
4 Inc. (collectively “Defendants”); and Defendant National Titanium Dioxide Company Limited
5 d/b/a/ Cristal (“Cristal”).

6 WHEREAS, the Court previously scheduled Defendants’ Joint Motion to Dismiss the
7 Second Amended Class Action Complaint and Cristal’s Motion to Dismiss to be heard on
8 February 5, 2015 at 9:00 a.m.;

9 WHEREAS, Jonathan W. Cuneo, lead counsel for Plaintiffs, has the flu and could only
10 travel from Washington, D.C. with difficulty and at the risk of infecting others;

11 WHEREAS, Katherine Van Dyck, Mr. Cuneo’s colleague and co-counsel in this matter,
12 is 31 weeks pregnant and also unable to travel from Washington, D.C. to attend the hearing;

13 WHEREAS, certain counsel for Defendants have scheduling conflicts prohibiting them
14 from appearing at the previously scheduled case management conference on February 19, 2015;

15 WHEREAS, the parties agree and stipulate to continue the hearing on the pending
16 motions to dismiss until May 7, 2015; and

17 WHEREAS, the parties agree to postpone the case management conference until a date
18 following the agreed upon May 7, 2015 motions hearing.

19 **IT IS HEREBY STIPULATED AND AGREED** that:

20 1. The February 5, 2015 hearing on Defendants’ Joint Motion to Dismiss and
21 Cristal’s Motion to Dismiss be vacated.

22 2. The February 19, 2015 case management conference be vacated.

23 3. Defendants’ Joint Motion to Dismiss and Cristal’s Motion to Dismiss will be
24 heard by the Court on May 7, 2015.

25 Dated: February 4, 2015

PRATT & ASSOCIATES

26 /s/ Ben F. Pierce Gore

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9 Dated: February 4, 2015

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16 Dated: February 4, 2015

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24 Dated: February 4, 2015

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Dated: February 4, 2015

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MILLENNIUM INORGANIC CHEMICALS,
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Dated: February 4, 2015

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ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

Dated: February 4, 2015 s/ Ben F. Pierce Gore
Ben F. Pierce Gore


1 [PROPOSED] ORDER

2 PURSUANT TO STIPULATION, IT IS SO ORDERED. Accordingly:

3 1. The hearing on Defendants' Joint Motion to Dismiss and Cristal's Motion to
4 Dismiss currently scheduled for February 5, 2015 is hereby continued to May 7, 2015 at
5 _____.

6 2. The case management conference currently scheduled for February 19, 2015 is
7 hereby continued to _____, 2015 at _____.

8
9 Dated: _____, 2015


Hon. Beth Labson Freeman
United States District Judge