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10 *America, LLC and Bayerische Motoren*
11 *Werke AG*

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 BMW of NORTH AMERICA, LLC and
BAYERISCHE MOTOREN WERKE AG,

15 Plaintiffs,

16 v.

17 QUALITY STAR BENZZ LLC,

18 Defendant.

CASE NO. 2:12-cv-00889-GMN-VCF

**MOTION TO WITHDRAW PLAINTIFFS'
MOTION FOR ORDER TO SHOW CAUSE
WHY DEFENDANT SHOULD NOT BE
HELD IN CONTEMPT**

AND ORDER THEREON

19
20 Plaintiffs BMW of North America, LLC and Bayerische Motoren Werke AG (collectively,
21 "BMW") hereby request the Court grant BMW leave to withdraw their Motion for Order to Show
22 Cause Why Defendant Should Not be Held in Contempt [ECF 29].

23 In support of BMW's Motion to Withdraw, BMW states as follows:

24 1. On May 14, 2015, BMW filed its Motion for Order to Show Cause Why Defendant
25 Should Not Be Held In Contempt of this Court's March 29, 2013 Order Granting Default Judgment
26 and a Permanent Injunction against Defendant (the "2013 Judgment and Permanent Injunction").
27 *See* ECF 29.

2. Defendant failed to file any points or authorities in opposition to BMW's Motion for Order to Show Cause Why Defendant Should Not be Held in Contempt from consideration by this Court. *See* ECF 32.

3. On June 5, 2015, BMW filed a Reply in Support of Motion for Order to Show Cause Why Defendant Should Not Be Held In Contempt. *See* ECF 31.

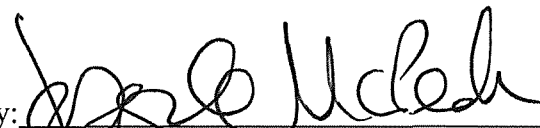
4. On August 10, 2015, the Court granted Plaintiffs' Motion for Order to Show Cause and set a show cause hearing for August 25, 2015. *See* ECF 32.

5. BMW submits that Defendant has affirmed that it has permanently removed BMW's Roundel logo and all colorable imitations from its signs, banners, advertisements, website, and anywhere else at its business location and will cease and desist any and all other uses of BMW's Roundel logo and trademark uses or any other BMW marks, or colorable imitations thereof, in accordance with the 2013 Judgment and Permanent Injunction.

6. Based on Defendant's declarations, BMW requests that the Court grant BMW's Motion to Withdraw and take the August 25, 2015 show cause hearing off calendar, with each side to bear its own fees and any costs associated with the motion.

DATED this 24th day of August, 2015.

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IT IS SO ORDERED.

IT IS FURTHER ORDERED that the Order to Show Cause hearing scheduled for **August 25, 2015 at 9:00 a.m.** in Courtroom 7D, is hereby **VACATED.**


Gloria M. Navarro, Chief Judge
United States District Court

DATED: 08/24/2015