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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 IN RE ZAPPOS.COM INC., CUSTOMER)
7 DATA SECURITY BREACH)
8 LITIGATION)
9)
10)
11)
12)

3:12-cv-325-RCJ-VPC

ORDER

9 Pending before the Court is Defendant's Motion to Dismiss (ECF No. 122) and
10 Defendant's Motion to Strike (ECF No. 124). The Court also considers Plaintiff's Joint Motion
11 for Appointment of Counsel (ECF No. 191).

12 This case arises from a security breach that allegedly compromised the private
13 information of Defendant's customers including names, addresses, and credit card tails. (Preira
14 Second Am. Compl. ¶ 32, ECF No. 118). The parties report that they are making good progress
15 towards settlement, (ECF Nos. 195, 200), and they have stipulated to stay the proceedings until
16 January 2015 pending further mediation, (ECF No. 201). Therefore, the Court, without
17 expressing any position on the merits of the case, denies without prejudice Defendant's motions.
18 The Court grants Plaintiffs' unopposed motion for the appointment of counsel.

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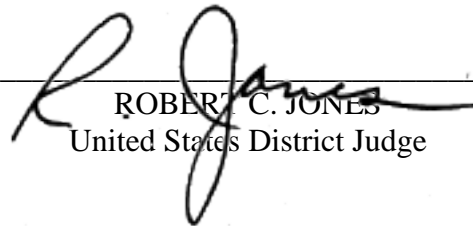
1 **CONCLUSION**

2 IT IS HEREBY ORDERED that Defendant's Motion to Dismiss (ECF No. 122) and its
3 Motion to Strike (ECF No. 124) are DENIED without prejudice.

4 IT IS FURTHER ORDERED that Plaintiff's Motion for Appointment of Counsel (ECF
5 NO. 191) is GRANTED.

6 IT IS SO ORDERED.

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8 Dated: — September 18, 2014

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11 ROBERT C. JONES
12 United States District Judge
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