

THE HONORABLE MARSHA J. PECHMAN

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U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

LINNE ROSE, individually and on behalf of all
others similarly situated,

Plaintiffs,

vs.

BEHR PROCESS CORP., BEHR PAINT
CORP., MASCO CORP., THE HOME
DEPOT, INC., and HOME DEPOT U.S.A.,
INC.,

Defendants.

NO. 2:17-cv-01754-MJP

**STIPULATION AND ORDER TO
EXTEND CASE DEADLINES**

WHEREAS, Plaintiff’s case is one of approximately twelve (12) cases that have been
filed nationwide against Defendants.

WHEREAS, on December 4, 2017, Plaintiff filed a motion to transfer and consolidate
with the Judicial Panel on Multidistrict Litigation (the “MDL Motion”).

WHEREAS, on December 27, 2017, Defendants Behr Process Corporation, Behr Paint
Corp., and Masco Corporation (the “Behr Defendants”) filed a response to Plaintiff’s MDL
Motion that stated, among other things, that a settlement in principle had been reached in a
different case that is nationwide in scope. Defendants The Home Depot, Inc. and Home Depot,
U.S.A., Inc., filed a response joining the Behr Defendants’ Response.

1 WHEREAS, on January 30, 2018, the JPML issued a ruling denying transfer and
2 consolidation of the approximately twelve (12) cases filed against Defendants on the basis of
3 the pending settlement described in Defendants' Response.

4 WHEREAS, Defendants The Home Depot, Inc. and Home Depot USA, Inc., have filed
5 a Motion to Dismiss on January 31, 2018.

6 WHEREAS Plaintiff's response to the Motion to Dismiss is due on Monday, February
7 20, 2018.

8 WHEREAS pursuant to the Court's Order Extending Certain Deadlines (ECF 27), the
9 deadline for Initial Disclosures is February 23, 2018, the deadline for the Combined Joint
10 Status Report and Discovery Plan is February 28, 2018, and Defendants' Behr Process Corp.,
11 Behr Paint Corp., and Masco Corp.'s Answer is due February 23, 2018.

12 WHEREAS, to conserve judicial resources and promote efficiency and in view of the
13 pending settlement, the parties agree to continue all deadlines discussed herein an additional
14 thirty (30) days.

15 IT IS HEREBY STIPULATED by and between all parties, through their respective
16 counsel, that the dates for Initial Disclosures, submissions of the Combined Joint Status Report
17 and Discovery Plan, filing of Answers shall be as follows:

18 Plaintiff's deadline to file a response to Defendants The Home Depot, Inc., and Home
19 Depot U.S.A., Inc.'s Motion to Dismiss is extended to March 22, 2018

20 The Initial Disclosures deadline is extended to March 25, 2018;

21 The Combined Joint Status Report and Discovery Plan is extended to March 30, 2018;

22 and

23 The deadline for Behr Process Corp., Behr Paint Corp., and Masco Corp. to file
24 Answers is March 25, 2018.

1 Respectfully submitted.

2 DATED: February 16, 2018

TERRELL MARSHALL LAW GROUP PLLC

3 By: /s/ Beth E. Terrell

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6 WHITFIELD BRYSON & MASON, LLP

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8 Patrick M. Wallace *Pro Hac Vice*

9 Scott C. Harris *Pro Hac Vice*

10 *Attorneys for Plaintiff and the Proposed Class*

11 DATED: February 16, 2018

LATHAM & WATKINS LLP

12 By: /s/ Kathleen P. Lally

13 Kathleen P. Lally *Pro Hac Vice*

14 *Attorneys for Behr Process Corporation,*

15 *Behr Paint Corp., and Masco Corporation*

16 DATED: February 16, 2018

MORRIS MANNING & MARTIN, LLP

17 By: /s/ Robert P. Alpert

18 Robert P. Alpert *Pro Hac Vice*

19 Jeffrey K. Douglass *Pro Hac Vice*

20 *Attorneys for Home Depot, Inc., and*

21 *Home Depot USA, Inc.*

22 **IT IS SO ORDERED.**

23 DATED this 21st day of February, 2018.

24 

25 Marsha J. Pechman

26 United States District Judge

1 CERTIFICATE OF SERVICE

2 I, Beth E. Terrell, hereby certify that on February 21, 2018, I electronically filed the
3 foregoing with the Clerk of the Court using the CM/ECF system which will send notification of
4 such filing to the following:

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8 *and Behr Paint Corp.*

9 DATED this 21st day of February, 2018.

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