

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

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MICHAEL WARSHAWSKY and	)	
MICHAEL STEINHAUSER, on behalf	)	Case No. 20-cv-00562
of themselves and all others similarly	)	
situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
CBDMD, INC. and CBD INDUSTRIES	)	
LLC,	)	
	)	
Defendants.	)	
	)	

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**JOINT MOTION TO ADVISE OF MEDIATED SETTLEMENT, TAKE DEFENDANTS’  
RESPONSIVE PLEADING DEADLINE OFF CALENDAR, AND TO SET DEADLINE  
TO FILE MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT**

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Plaintiffs Michael Warshawsky and Michael Steinhauser (“Plaintiffs”) and Defendants cbdMD, Inc. and CBD Industries, LLC (collectively, “Defendants”) (together the “Parties”) submit this Joint Motion advising the court of a mediated settlement between the parties and requesting an order from the Court setting March 31, 2021 as the deadline for Plaintiffs to file their Motion for Preliminary Approval, taking off calendar Defendants’ Responsive Pleading Deadline currently set for March 5, 2021, and if the Court denies Preliminary Approval, resetting Defendants’ Responsive Pleading Deadline for 30 days after the denial of Preliminary Approval (“Stipulation”). Good cause exists to grant this Motion based upon the following facts:

1. Plaintiffs filed their Class Action Complaint (“Complaint”) on October 9, 2020. [Dkt. No. 1.]

2. Plaintiffs filed their Amended Class Action Complaint (“Amended Complaint”) on December 18, 2020. [Dkt. 3]

3. Since being served with the Complaint and Amended Complaint, Defendants requested one extension of time to respond to the Complaint [Dkt. No. 4]. The purpose of Defendants’ initial request for an extension was to allow additional time for the parties to engage in early discussions about resolving the case.

4. The Court granted Defendants’ request for an extension, setting the new responsive pleading deadline for March 5, 2021. [*Text-Only Order* dated January 1, 2021]

5. Since that time, counsel for both parties exchanged information related to the dispute and engaged in substantive discussions about resolving this matter.

6. On February 3, 2021, the parties attended a full day mediation with mediator Benjamin Picker. Attorneys for both parties attended the mediation, as well as two representatives for Defendants and a representative for Defendants’ insurer. At the end of the full day mediation the Parties were able to reach a settlement.

7. The Parties are currently working on finalizing the settlement agreement and corresponding attachments, and Plaintiffs will file their Motion for Preliminary Approval on or before March 31, 2021.

WHEREFORE, Defendants and Plaintiffs respectfully request an order from the Court (1) taking Defendants’ March 5, 2021 Responsive Pleading Deadline off calendar; (2) setting the deadline to file the Motion for Preliminary Approval for March 31, 2021; and (3) if the Court denies Preliminary Approval, resetting

Defendants' Responsive Pleading Deadline for 30 days after the denial of Preliminary Approval.

Dated: March 4, 2021

Respectfully submitted,

**HAMILTON STEPHENS STEELE &  
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By: /s/ Mark R. Kutny

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Dated: March 4, 2021

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