## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

Woodman's Food Market, Inc.,

Plaintiff,

v.

The Clorox Company,

and The Clorox Sales Company,

Defendants.

Civil Action No. 14-CV-734

## DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT AS MOOT

Defendants The Clorox Company and The Clorox Sales Company (collectively, "Clorox") respectfully move the Court to dismiss Plaintiff Woodman's Food Market, Inc.'s Complaint as moot. The ground for this motion, as set forth in the accompanying Brief, is that Clorox's recent permanent discontinuation of all its sales of Clorox products to Plaintiff means that the alleged discriminatory provision of services has ceased and, accordingly, there is no injunctive relief that the Court can award.

Respectfully submitted,

Dated: February 24, 2015

Donald K. Schott Stacy A. Alexejun Rachel A. Graham QUARLES & BRADY LLP 33 East Main Street Suite 900 Madison, Wisconsin, 53703

Telephone: 608.283.2426 Facsimile: 608.294.4923 s/ Joshua H. Soven

Joshua H. Soven (admitted *pro hac vice*) Michael R. Huston (admitted *pro hac vice*) GIBSON, DUNN & CRUTCHER LLP 1050 Connecticut Avenue, N.W. Washington, DC 20036

Telephone: 202.955.8500 Facsimile: 202.467.0539

Attorneys for Defendants

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of February, 2015, I caused a copy of the foregoing MOTION TO DISMISS COMPLAINT AS MOOT to be served upon Plaintiff Woodman's Food Market, Inc., via the electronic filing system.

s/ Joshua H. Soven

Joshua H. Soven