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12 *Attorneys for Defendant LogMeIn, Inc.*

13  
14 **UNITED STATES DISTRICT COURT**  
15 **EASTERN DISTRICT OF CALIFORNIA**

16 DARREN HANDY,

17 Plaintiff,

18 v.

19 LOGMEIN, INC.,

20 Defendant.  
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No. 1:14-cv-01355---JLT

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING STATUS  
CONFERENCE**

**(Doc. 13)**

1 **TO THE HONORABLE COURT:**

2 Plaintiff Darren Handy (“Plaintiff”) and Defendant LogMeIn, Inc. (“Defendant”), by and  
3 through their respective undersigned counsel, hereby stipulate and agree as follows:

4 WHEREAS, Plaintiff filed his Complaint on August 28, 2014 (ECF No. 1);

5 WHEREAS, on August 29, 2014, the Court issued an Order Setting Mandatory  
6 Scheduling Conference setting a scheduling conference for December 17, 2014 (ECF No. 3);

7 WHEREAS, on November 19, 2014, the Court continued the scheduling conference until  
8 January 26, 2014 (ECF No. 4);

9 WHEREAS, Defendant waived service of the Complaint on December 1, 2014, and its  
10 response to the Complaint is due on January 30, 2014 (ECF No. 9);

11 WHEREAS, counsel for Defendant entered their notice of appearance on December 3,  
12 2014 (ECF Nos. 5, 7);

13 WHEREAS, the Order Setting Mandatory Scheduling Conference requires the parties to  
14 file a statement regarding their legal and factual contentions in their pleadings and contemplates  
15 an analysis of both parties’ positions by January 16, 2014;

16 WHEREAS, Defendant’s responsive pleading to the Complaint is not due until January  
17 30, 2014 and Defendant is in the process of investigating Plaintiff’s allegations and its potential  
18 defenses;

19 WHEREAS, the parties conferred and agree that continuing the scheduling conference  
20 until after Defendant’s response deadline would allow a more meaningful analysis of each  
21 party’s factual and legal contentions;

22 WHEREAS, holding the scheduling conference on February 26, 2015 would allow the  
23 Court to satisfy Federal Rule of Civil Procedure 16(b)(2)’s requirement that a scheduling order  
24 issue within 120 days of service of the complaint upon defendant (*i.e.*, by March 30, 2015) or  
25 within 90 days after a defendant has appeared (*i.e.*, by March 3, 2014), whichever is earlier;

26 WHEREAS, extending the scheduling conference until February 26, 2015 would not  
27 delay any pending proceeding before the Court; and

28 WHEREAS, this is the first request by either party to modify any deadline in this case;

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**IT IS HEREBY STIPULATED** and agreed by and between the parties that:

1. The scheduling conference shall be continued until February 26, 2015; and
2. The parties shall otherwise comply with the deadlines imposed by the Court's

Order Setting Mandatory Scheduling Conference, including filing a joint report at least one full week prior to the scheduling conference.

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Dated: January 9, 2015

Respectfully submitted,

By /s/ Brian T. Glennon  
Brian T. Glennon

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*Attorneys for Defendant LogMeIn, Inc.*

Dated: January 9, 2015

By /s/ Matthew M. Loker (as authorized on 1/9/15)  
Matthew M. Loker

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**ORDER**

Based upon the stipulation of counsel and to allow time for Defendant to file its responsive pleading, the Court **ORDERS**:

1. The scheduling conference is **CONTINUED** to February 26, 2015 at 9:30 a.m.;
- and
2. No other modifications to the Court's Order Setting Mandatory Scheduling Conference are authorized.

IT IS SO ORDERED.

Dated: January 9, 2015

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE