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13 *Attorneys for Defendant LogMeIn, Inc.*

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

17 DARREN HANDY,

18
19 Plaintiff,

20 v.

21 LOGMEIN, INC.,

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

**STIPULATION AND [PROPOSED]
ORDER SETTING SCHEDULE FOR
RESPONSE TO THIRD AMENDED
COMPLAINT**

(Doc. 61)

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 and served his Third Amended Complaint on September 18,
5 2015 (ECF No. 60);

6 WHEREAS, Defendant’s current deadline to respond to the Second Amended Complaint
7 is October 5, 2015 (Fed. R. Civ. P. 15(a)(3), 6(d));

8 WHEREAS, Defendant is in the process of investigating and conferring with its counsel
9 regarding Plaintiff’s allegations in the Third Amended Complaint;

10 WHEREAS, the parties wish to set a briefing schedule that is mutually agreeable for the
11 parties, and convenient for the Court, on Defendant’s anticipated motion to dismiss Plaintiff’s
12 Third Amended Complaint;

13 WHEREAS, counsel for Defendant has cleared a hearing date on its anticipated motion to
14 dismiss for December 16, 2015 with the clerk of the Court;

15 WHEREAS, Local Rule 144(a) provides that initial stipulations extending time for no
16 more than twenty-eight days to respond to a complaint may be filed without approval of the
17 Court if signed by all parties who have appeared in the action and are affected thereby; and

18 WHEREAS, this is the first extension of time with respect to the matters for which this
19 extension is sought (*see* L.R. 144(b));

20 **IT IS HEREBY STIPULATED** and agreed by and between the parties as follows:

21 1. Defendant’s deadline to respond to the Third Amended Complaint shall be
22 extended until October 21, 2015 pursuant to Local Rule 144(a);

23 2. Plaintiff’s opposition brief to Defendant’s anticipated motion to dismiss shall be
24 due on November 18, 2015;

25 3. Defendant’s reply brief in support of its anticipated motion to dismiss shall be due
26 on December 9, 2015;

1 4. The hearing on Defendant's anticipated motion to dismiss shall be held on
2 December 16, 2015 at 9:30 a.m. at the Bakersfield Courthouse (or a time thereafter as most
3 convenient for the Court).

4
5 Dated: September 22, 2015

Respectfully submitted,

6 By /s/ James H. Moon

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Attorneys for Defendant LogMeIn, Inc.

1 Dated: September 22, 2015

By /s/ Adrian R. Bacon

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21 *Attorneys for Plaintiff Darren Handy*

22 **ATTESTATION**

23 I certify that I obtained concurrence in the filing of this document from all parties whose
24 electronic signatures appear above.

25 Dated: September 22, 2015

By: /s/ James H. Moon

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[PROPOSED] ORDER

Based upon the stipulation of counsel, the Court hereby orders as follows:

- 1. Defendant’s deadline to respond to the Third Amended Complaint shall be extended until October 21, 2015 pursuant to Local Rule 144(a);
- 2. Plaintiff’s opposition brief to Defendant’s anticipated motion to dismiss shall be due on November 18, 2015;
- 3. Defendant’s reply brief in support of its anticipated motion to dismiss shall be due on December 7¹, 2015;
- 4. The hearing on Defendant’s anticipated motion to dismiss shall be held on December 14, 2015 at 8:30 a.m. at the Bakersfield Courthouse.

IT IS SO ORDERED.

Dated: September 23, 2015 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

¹ The dates for the reply brief and the hearing have been modified by the Court.