

1 Charles K. Manock SB#161633
2 MANOCK LAW
3 448 W Shaw Ave.
4 Fresno, CA 93704
5 Phone: 559-696-4397
6 Fax: 559-422-5163

7
8 Attorney for Defendants AGRIGENIX, LLC and SEAN MAHONEY
9

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

DEERPOINT GROUP, INC., an Illinois
corporation,

Plaintiff,

v.

AGRIGENIX, LLC, a Delaware limited
liability company; SEAN MAHONEY, a
California individual; and CUSTOM AG
FORMULATORS, INC., a California
corporation,

Defendants.

Case No: 1:18-cv-00536-AWI-BAM

STIPULATION AND ORDER
EXTENDING DEADLINE TO ANSWER
SECOND AMENDED COMPLAINT

Pursuant to Eastern District of California Local Rule 143, Plaintiff Deerpoint Group, Inc. (“DPG”) and Defendants AGRIGENIX, LLC, SEAN MAHONEY, a California individual; and CUSTOM AG FORMULATORS, INC., a California corporation, (collectively “Defendants”) hereby stipulate as follows:

1. The Second Amended Complaint includes a cause of action for patent infringement; defendants are associating an additional attorney specializing in patent litigation.
2. Defendants have requested that Plaintiff extend the deadline for filing an Answer to the Second Amended Complaint.
3. Plaintiff has no objection to providing the requested extension.

4. Accordingly, the parties hereby stipulate to and request that the Court extend the deadline for Defendants to file an Answer to the Second Amended Complaint to March 23, 2020. No prior extensions of this subject matter have been sought by the parties, and the parties do not anticipate that this extension will alter any of the other existing deadlines as set forth in the Scheduling Order in this case.

Dated: March 5, 2020

KILPATRICK TOWNSEND & STOCKTON LLP

By: /s/ *Jon Michaelson*

JON MICHAELSON

MANSI H. SHAH

ADAM WILEY

Attorneys for Plaintiff

DEERPOINT GROUP, INC.

Dated: March 5, 2020

/s/ Charles K. Manock

Charles K. Manock, attorney for Defendants
AGRIGENIX, LLC and SEAN MAHONEY

Dated: March 5, 2020

QUALL CARDOT, LLP

_____*/s/ John M Cardo*

JOHN M. CARDOT

Attorneys for Defendant
CUSTOM AG FORMUL

CUSTOM AG FORMULATORS, INC.

ORDER

Local Rule 144(a) provides that “an initial stipulation extending time for no more than twenty-eight (28) days to respond to a complaint . . . may be filed without approval of the Court if the stipulation is signed on behalf of all parties who have appeared in the action and are affected by the stipulation.” All other extensions of time require Court approval. L.R. 144(a).

Defendant Custom AG Formulators, Inc. was initially served with the summons and Second Amended Complaint on February 25, 2020, and no previous stipulations extending the time for this defendant to respond to a complaint have been filed with the Court. (*See* Doc. No. 83.) Therefore, as to Defendant Custom AG Formulators, Inc., the parties' stipulation conforms with the requirements of Local Rule 144(a) and requires no court order to be effective.

However, the parties previously stipulated to extend the deadline for Defendants Agrigenix, LLC and Sean Mahoney to respond to the initial complaint. (Doc. No. 9.) Accordingly, as this is not an initial stipulation extending time for Defendants Agrigenix, LLC and Sean Mahoney to respond to a complaint, Court approval is required as to those defendants. *See* L.R. 144(a). While the stipulation does not explain the basis for the requested extension, based upon the parties' consent to the amended deadline, and in the interest of justice, the Court finds that the parties' request is warranted and no prejudice will result.

Accordingly, IT IS HEREBY ORDERED that Defendants Agrigenix, LLC and Sean Mahoney's responses to the complaint shall be filed and served on or before March 23, 2020. The Court recognizes the parties' stipulation extending the deadline for Defendant Custom AG Formulators, Inc. to respond to the complaint to March 23, 2020, but no further order is required.

111

111

111

111

111

111

111

666

1 The parties are further reminded that a STATUS CONFERENCE has been set for **May 5,**
2 **2020, at 9:00 AM in Courtroom 8 (BAM) before the undersigned** to discuss any need to amend
3 the Scheduling Order in this case. At least one (1) full week prior to the Status Conference, the
4 parties **SHALL** jointly submit any proposed dates they believe are necessary in light of the patent
5 infringement claim. The parties are encouraged to appear at the status conference by telephone with
6 each party using the following dial-in number and access code: **dial-in number 1-877-411-9748;**
7 **access code 3219139.**

8 IT IS SO ORDERED.

9
10 Dated: March 10, 2020

/s/ *Barbara A. McAuliffe*
11 UNITED STATES MAGISTRATE JUDGE

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28