

1 . Plaintiff has stated that he intends to file a motion to dismiss under Rule 12 (b) as to one
2 or more of the alleged Claims for Relief in the said Counterclaim, on the grounds that it or they fail to
3 state a claim upon which relief can be granted;

4 . The parties agree, in accordance with the majority of courts that have considered the matter,
5 that the filing of a motion to dismiss as to any part of a pleading extends, under Rule 12 (a)(4), the time
6 to respond not only as to the claims subject to the motion, but also as those claims that are not subject
7 to the motion, until fourteen (14) days after notice of the court's action on the motion, and plaintiff wishes
8 this to be made explicit.

9 NOW, THEREFORE, in view of the premises, the parties do stipulate and agreed that if plaintiff
10 files a timely motion to dismiss under Rule 12 (b) as to any part of the said Counterclaim, plaintiff's time
11 to respond to those claims in the Counterclaim that are not subject to the motion is and shall be also
12 extended to and including fourteen (14) days after notice of the court's action on the motion.

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14 Dated: August 15, 2013

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DOWNEY BRAND LLP

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17 /s/ Gilbert J. Premo
GILBERT J. PREMO
18 Attorney for Plaintiff and Counter-Defendant
KEITH R. CLAYTON

By /s/ Matthew J. Weber
MATTHEW J. WEBER
19 Attorney for Defendant and Counter-Claimant
AUTOMATED GAMING TECHNOLOGIES,
INC.

20 IT IS SO ORDERED.

21 Dated: 8/16/2013

22 /s/ John A. Mendez
JOHN A. MENDEZ
23 United States District Court Judge
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