

1 CLIFFORD D. SETHNESS (State Bar No. 212975)
MORGAN, LEWIS & BOCKIUS LLP
2 300 South Grand Avenue
Twenty-second Floor
3 Los Angeles, CA 90071-3132
Telephone: 213.612.2500
4 Facsimile: 213.612.2501
csethness@morganlewis.com
5

6 L. JULIUS M. TURMAN (State Bar No. 226126)
SACHA M. STEENHOEK (State Bar No. 253743)
7 MORGAN, LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
8 San Francisco, CA 94105
Phone: 415.442.1000
9 Fax: 415.442.1001
jturman@morganlewis.com
10 ssteenhoek@morganlewis.com

11 Attorneys for Defendant
PACIFIC MARITIME ASSOCIATION
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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
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17 ELLIOTT FLOWERS,
18 Plaintiff,
19 vs.
20 PACIFIC MARITIME ASSOCIATION,
21 Defendant.
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Case No. C 09-04909 CRB

**STIPULATION AND ~~PROPOSED~~—
ORDER EXTENDING
TIME TO RESPOND TO
FIRST AMENDED COMPLAINT**

[LOCAL RULE 6-1(A)]

1 RECITALS

2 WHEREAS, on October 15, 2009, Plaintiff Elliott Flowers ("Plaintiff") filed a Complaint
3 ("Complaint") in this Court against Defendant Pacific Maritime Association ("Defendant");

4 WHEREAS, on December 21, 2009, Plaintiff requested Defendant to waive service of
5 summons;

6 WHEREAS, on January 6, 2010, Defendant's counsel signed and returned to Plaintiff the
7 Waiver of Service of Summons of Plaintiff's Complaint;

8 WHEREAS, on January 14, 2010, before Defendant filed an Answer to Plaintiff's
9 Complaint or otherwise made an appearance in this Court, Plaintiff filed a First Amended
10 Complaint ("FAC") with this Court;

11 WHEREAS, because Defendant has not made an appearance in this case, on January 19,
12 2010, Plaintiff requested that Defendant's counsel waive service of the FAC;

13 WHEREAS, on January 26, 2010, Defendant's counsel signed and returned the Waiver of
14 Service form to Plaintiff;

15 WHEREAS, Defendant believed and continues to believe that it has 60 days following the
16 latest request for waiver of service of process in which to file an Answer to Plaintiff's FAC under
17 Federal Rule of Civil Procedure 4(d)(3);

18 WHEREAS, in an abundance of caution, Defendant has requested, and Plaintiff has
19 agreed, to extend the time in which Defendant must file an Answer to Plaintiff's FAC thirty (30)
20 days to March 22, 2010;

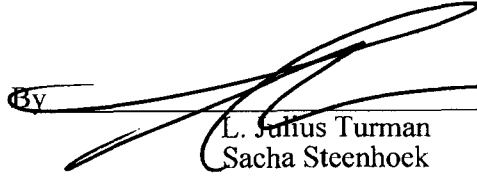
21 WHEREAS, Defendant has not previously requested an extension of time to Answer
22 Plaintiff's Complaint or FAC; and

23 WHEREAS, the stipulated extension of time will not require the modification of any
24 deadlines previously set by the Court.

25 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between
26 the undersigned counsel for all parties, that the time for Defendants to answer, plead, move
27 against, or otherwise respond to the FAC in this action shall be extended until March 26, 2010.
28 Plaintiff agrees not to treat any failure to respond by any Defendant before that time as a default.

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3 Dated: February 24, 2010

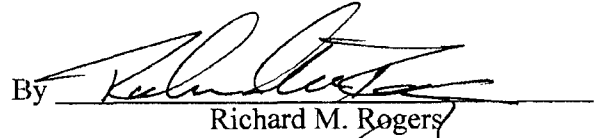
MORGAN, LEWIS & BOCKIUS LLP

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5 By 
6 L. Julius Turman
Sacha Steenhoeck

7 Attorneys for Defendant
8 PACIFIC MARITIME ASSOCIATION

9 Dated: February 24, 2010

LAW OFFICE OF RICHARD M. ROGERS

10
11 By 
12 Richard M. Rogers

13 Attorneys for Plaintiff Elliott Flowers

14 **[PROPOSED] ORDER**

15 Based on the foregoing Stipulation, and for good cause appearing, the Court hereby
16 ORDERS as follows:

17 Defendant Pacific Maritime Association shall have a thirty (30) day extension to answer
18 or otherwise respond to Plaintiff's FAC.

19 Accordingly, Defendant's response to Plaintiff's FAC shall be filed and served on or
20 before March 26, 2010.

21 **IT IS SO ORDERED.**

22 DATED: Feb. 25 _____, 2010

