

1 Daniel M. Cislo, Esq., No. 125,378  
 dan@cislo.com  
 2 Mark D. Nielsen, Esq., No. 210,023  
 mnielsen@cislo.com  
 3 CISLO & THOMAS LLP  
 1333 2<sup>nd</sup> Street, Suite 500  
 4 Santa Monica, California 90401-4110  
 Telephone: (310) 451-0647  
 5 Telefax: (310) 394-4477

6 Attorneys for Defendant/Counterclaimant,  
 7 KIRBY MORGAN DIVE SYSTEMS, INC.

8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 SURFACE SUPPLIED, INC., a California )  
 11 corporation, )  
 12 )  
 Plaintiff, )  
 13 )  
 14 vs. )  
 15 KIRBY MORGAN DIVE SYSTEMS, INC., )  
 16 a California Corporation, )  
 17 Defendant. )

CASE NO. CV 13-0575 MMC  
 [Hon. Maxine M. Chesney]  
**JOINT STIPULATION TO EXTEND  
 DEADLINE TO FILE REPLY PAPERS IN  
 SUPPORT OF KIRBY MORGAN DIVE  
 SYSTEMS, INC.'S MOTION TO STRIKE  
 COUNTER-DEFENDANT'S AFFIRMATIVE  
 DEFENSES AND FIRST, THIRD, FOURTH,  
 AND FIFTH CAUSES OF ACTION IN  
 THIRD AMENDED COUNTERCLAIM  
 (DOCKET NO. 59) AND MOTION TO  
 DISMISS COUNTER-DEFENDANT'S  
 SIXTH AND SEVENTH CAUSES OF  
 ACTION IN THIRD AMENDED  
 COUNTERCLAIM (DOCKET NO. 60);  
 [PROPOSED] ORDER APPENDED  
 HERETO**  
 Hearing Date: December 20, 2013  
 Time: 9:00 a.m.

22 \_\_\_\_\_ )  
 23 AND RELATED COUNTERCLAIMS )  
 AND COUNTERCLAIMS-IN REPLY )  
 24 \_\_\_\_\_ )

CISLO & THOMAS LLP  
*Attorneys at Law*  
 1333 2<sup>ND</sup> STREET  
 SUITE 500  
 SANTA MONICA, CALIFORNIA 90401  
 TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

25  
 26  
 27  
 28

**JOINT STIPULATION**

Pursuant to Civ.L.R. 6-2, Surfacesupplied, Inc. (“SSI”) and Kirby Morgan Dive Systems, Inc. (“Kirby Morgan”) hereby submit the following stipulation:

WHEREAS, Kirby Morgan has filed two motions (see, Docket Nos. 59, 60) related to the contents of SSI’s Amended Answer and Third Amended Counterclaim (see, Docket No. 55);

WHEREAS, the current deadline for SSI’s oppositions to Kirby Morgan’s motions is on Tuesday, November 26, 2013, and the current deadline for Kirby Morgan’s reply papers in support of the motions is Tuesday, December 3, 2013;

WHEREAS, Kirby Morgan’s reply papers are due two days after the Thanksgiving holiday, and the current deadline of December 3, 2013 will require counsel for Kirby Morgan to devote substantial time to the reply papers over the Thanksgiving holiday;

WHEREAS, counsel have conferred on this matter, and SSI had agreed to stipulate with Kirby Morgan to an extension of time on the deadline for the reply papers in connection with Kirby Morgan’s motions from Tuesday, December 3, 2013 to Friday, December 6, 2013;

WHEREAS, this stipulation is not submitted for purposes of delaying these proceedings, but rather, as an accommodation to Kirby Morgan’s counsel vis-à-vis the Thanksgiving holiday;

WHEREAS, Kirby Morgan’s motions are currently set for a December 20, 2013 hearing, and no request is made to change the hearing date, unless the Court deems such a change to be necessary.

///

///

///

1 NOW THEREFORE, the parties, by and through their respective counsel, jointly stipulate  
2 and agree that the deadline for Kirby Morgan's reply papers in connection with the motions filed  
3 at Docket Nos. 59 and 60 shall be extended from December 3, 2013 to December 6, 2013.  
4

5 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

6  
7 Date: November 22, 2013, 2013

By:

  
Hon. Maxine M. Chesney  
United States District Judge

8  
9  
10 Respectfully submitted,

11 Dated: November 22, 2013

CISLO & THOMAS, LLP

12 By:

s/Daniel M. Cislo

Daniel M. Cislo

Mark D. Nielsen

Attorneys for Defendant/Counterclaimant,  
KIRBY MORGAN DIVE SYSTEMS, INC.

13  
14  
15  
16 Dated: November 22, 2013

ALIOTO & ALIOTO, LLP

17 By:

s/John I. Alioto (with permission)

John I. Alioto

CASCIO & ZERVAS, LLP

Anthony T. Cascio

Attorneys for Plaintiff/Counterdefendant,  
SURFACESUPPLIED, INC.