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AMERICA, INC., and FATALITY, INC.,
d/b/a FATALITY, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOSHUA SMITH, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

PEGATRON USA, INC., a California
corporation, ASROCK AMERICA, INC., a
California corporation, and FATALITY, INC.,
d/b/a FatalIty, Inc., a Missouri corporation,

Defendants.

Case No. 3:14-cv-01822-CRB

HON. CHARLES R. BREYER

JOINT STIPULATION EXTENDING
TIME TO FILE SECOND AMENDED
COMPLAINT

First Amended Complaint Filed:
July 3, 2014

1 WHEREAS, Plaintiff Joshua Smith (“Plaintiff”) filed his First Amended Class Action
2 Complaint on July 3, 2014, against Defendants Pegatron USA, ASRock America, Inc., and
3 Fatality, Inc (“Defendants.”) (Dkt. 34.)

4 WHEREAS, as set forth in their March 13, 2015 Joint Case Management Statement, and in
5 light of the documents and information exchanged between the parties, Plaintiff indicated his
6 intention to file an amended complaint, which would dismiss Pegatron USA and add ASRock, Inc.
7 as a party-defendant. (Dkt. 65 § V.)

8 WHEREAS, following the parties’ March 20, 2015 case management conference, the
9 Court instructed Plaintiff to file his amended complaint by April 10, 2015. (Dkt. 67.)

10 WHEREAS, because the parties are continuing to engage in good faith and productive
11 settlement discussions, the parties believe that a brief, seven (7) day extension of Plaintiff’s current
12 amendment deadline (i.e., from April 10, 2015 to April 17, 2015) will provide the them with a full
13 opportunity to complete their discussions, which have the potential to result in dismissal of this
14 case.

15 WHEREAS, the stipulation is not being filed for purposes of delay, but rather, to avoid the
16 filing of additional pleadings that may be unnecessary.

17 THEREFORE, the parties hereby stipulate and agree as follows:

18 **STIPULATION**

19 1. The parties, by and through their undersigned counsel, hereby stipulate and
20 respectfully request that Plaintiff’s deadline to file a second amended complaint be extended by
21 seven (7) days, until April 17, 2015. The reason for the requested extension of time is to provide
22 the parties with a sufficient opportunity to complete their settlement discussions.

23 2. Three other time modifications have been previously made by stipulation in this
24 matter. On May 13, 2014, and May 27, 2014, the parties stipulated that the time for Defendant to
25 respond to the Complaint would be extended. (*See* Dkt. 19, 25.) On September 2, 2014, the parties
26 stipulated that the time for Defendant to respond to the First Amended Complaint be extended.
27 (*See* Dkt. 43.) No other time modifications have been ordered by the Court.

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ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

Dated: April 10, 2015

/s/ Benjamin S. Thomassen
Benjamin S. Thomassen

