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NORTH STAR GAS COMPANY d/b/a/ YEP ENERGY

12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16 NORTH STAR GAS COMPANY d/b/a YEP )  
ENERGY, a Texas limited liability company, )  
17 )  
Plaintiff, )  
18 )  
vs. )  
19 )  
PACIFIC GAS AND ELECTRIC )  
20 COMPANY, a California corporation,; )  
ALBERT TORRES, an individual; BILL )  
21 CHEN, an individual; TANISHA )  
ROBINSON, an individual, )  
22 )  
Defendants. )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

Case No.: **15-CV-2575-HSG**  
**STIPULATED REQUEST FOR AN  
ENLARGEMENT OF TIME TO FILE  
OPPOSITION AND REPLY BRIEFS  
REGARDING DEFENDANTS' MOTION  
TO DISMISS AND ~~PROPOSED~~  
ORDER [RULE 6-2]**  
Action Filed: June 9, 2015  
Hearing Date: January 19, 2016  
Hearing Time: 2:00 PM  
Place: United States Courthouse  
450 Golden Gate Avenue  
Floor 19, Courtroom 10

1 COMES NOW the Plaintiff, North Star Gas Company d/b/a YEP Energy by and through its  
2 attorneys Holland & Knight, LLP and Defendants Pacific Gas and Electric Company, Albert  
3 Torres, Bill Chen and Tanisha Robinson by and through their attorneys Paul Hastings, LLP and  
4 hereby file their Stipulated Request for an Enlargement of Time to File Opposition and Reply Briefs  
5 Regarding Defendants' Motion to Dismiss and state as follows:  
6

7 On November 9, 2016, Defendants filed a Motion to Dismiss Plaintiff's claims for  
8 Respondeat Superior and for violation of Section 2 of the Sherman Act. (Dkt. 60.)

9 Per Local Rule 7-3(a), Plaintiff's Brief in Opposition to this Motion is due by November 23,  
10 2016.

11 Per Local Rule 7-3(c), Defendants' Reply Brief in Support of their Motion to Dismiss is due  
12 seven days from the filing of Plaintiff's Opposition, and no later than November 30, 2016.

13 Pursuant to the Clerk's Notice dated November 10, 2016 (Dkt. 62), Defendants have re-  
14 noticed the Motion to Dismiss for hearing on January 19, 2017. (Dkt. 67.)

15 Plaintiff and Defendants now file this stipulated request that the due dates for both the  
16 Opposition and Reply briefs be enlarged as follows:  
17

18 That Plaintiff's Brief in Opposition to Defendants' Motion to Dismiss now be due  
19 December 5, 2016; and  
20

21 That Defendants' Reply in Support of their Motion to Dismiss now be due December 22,  
22 2016.

23 Both enlargements are sought in advance of the expiration of either filing deadline.

24 Neither enlargement will change the schedule of case; nor will either change the hearing  
25 date of January 19, 2016.  
26  
27

1 Good cause exists for both enlargements because: (1) neither prejudices any of the parties or  
2 the Court; (2) neither requires resetting the hearing date; (3) both serve to maintain the thirty-five  
3 (35) day notice schedule contemplated by Local Rule 7-2(a); and (4) both grant the Court the same  
4 amount of time to review the briefing as is contemplated by that Rule.  
5

6 Further, these jointly requested changes to the briefing schedule better comply with the  
7 Court's new hearing date and do not seek to change it.

8 The parties previously sought an extension of time to respond to the Complaint and to file a  
9 Brief in Opposition and Reply in regarding Defendants' Motion to Dismiss the Complaint. That  
10 request was granted (Dkts. 21-22.)

11 THEREFORE, pursuant to Local Rule 6-2(a), the parties respectfully file this stipulated  
12 request that Plaintiff's Brief in Opposition to Defendants' Motion to Dismiss now be due December  
13 5, 2016; and, that Defendants' Reply in Support of their Motion to Dismiss correspondingly now be  
14 due December 22, 2016. The declaration of Leah E. Capritta, required by Local Rule 6-2, is filed  
15 contemporaneously with this Motion.  
16

17 Respectfully submitted,

18 Dated: November 17, 2016

By:           /s/ Adam M. Reich          

19 Adam M. Reich  
20 Counsel for Defendants

21  
22 Dated: November 17, 2016

By:           /s/ Leah E. Capritta          

23 Leah E. Capritta  
24 Counsel for Plaintiff  
25  
26  
27

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**ORDER**

Good cause appearing therefor, IT IS HEREBY ORDERED THAT the Case Schedule is modified as follows:

Plaintiff's Brief in Opposition to Defendants' Motion to Dismiss is now due December 5, 2016.

Defendants' Reply in Support of their Motion to Dismiss is now due December 22, 2016.

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

Dated: 11/18/2016

  
The Honorable Haywood S. Gilliam, J.  
UNITED STATES DISTRICT JUDGE