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CLIMATE ADVISERS, INC.

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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16

17 CALLIOPE PARTNERS, INC., et al.,
18 Plaintiffs,
19 vs.
20 CLIMATE ADVISERS, INC.,
21 Defendants.

Case No. 15-CV-03082-SI

**STIPULATED REQUEST TO
CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE**

Judge: Honorable Susan Illston

Date Action Filed: June 10, 2015
Date Action Removed: July 2, 2015

1 **STIPULATION**

2 Pursuant to Civil Local Rule 6-2, Plaintiffs Calliope Partners, Inc. and Glenn
3 Hurowitz (“Plaintiffs”) and Defendant Climate Advisers, Inc. (“Defendant”), by and
4 through their respective counsel, hereby submit their stipulated request to continue the
5 Initial Case Management Conference as follows:

6 WHEREAS, Plaintiffs filed a complaint in the Superior Court for the County of
7 San Francisco on June 10, 2015;

8 WHEREAS, Defendant removed the action to this Court pursuant to 28 U.S.C.
9 section 1441(b) on July 2, 2015;

10 WHEREAS, Defendant filed a Motion to Dismiss Plaintiffs’ Complaint on July
11 10, 2015 (ECF No. 7);

12 WHEREAS, on September 2, 2015, the Court signed a stipulated Order (ECF
13 No. 21) pursuant to which Plaintiffs’ opposition to the Motion to Dismiss is due
14 October 2, 2015, Defendant’s reply is due November 3, 2015, and the hearing is set
15 for November 20, 2015;

16 WHEREAS, the parties participated in a day-long mediation on August 11,
17 2015 pursuant to which they continue to negotiate the framework for a resolution of
18 the dispute;

19 WHEREAS, the parties would like to continue the Initial Case Management
20 Conference from October 2, 2015 to November 20, 2015, which the date of the
21 hearing on the Motion to Dismiss so they can continue to work toward a negotiated
22 resolution of this matter;

23 WHEREAS, the parties believe the requested continuance would promote
24 efficiency and judicial economy; and they further stipulate and agree that the
25 extension requested herein is not requested for purposes of delay and will not result in
26 any prejudice to the parties or to the Court;

1 IT IS THEREFORE STIPULATED AND AGREED by Plaintiffs and
2 Defendant, by and through their respective counsel, and the Court is respectfully
3 requested to order that:

4 1. The Initial Case Management Conference is continued to November 20,
5 2015, which the same date as the hearing on the Motion to Dismiss.

6 **IT IS SO STIPULATED AND REQUESTED.**

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8 DATED: September 17, 2015 BLANK ROME LLP
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11 By: /s/ Michael L. Ludwig
12 Michael L. Ludwig
13 Attorneys for Plaintiffs
CALLIOPE PARTNERS, INC. AND
GLENN HUROWITZ

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15 DATED: September 17, 2015 JACKSON LEWIS P.C.
16

17 By: /s/ Dylan B. Carp
18 Ariana Wright Arnold
19 Dylan B. Carp
Attorneys for Defendant
CLIMATE ADVISERS, INC.
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DECLARATION OF MICHAEL L. LUDWIG
IN SUPPORT OF STIPULATION

I, Michael L. Ludwig, declare as follows:

1. I am attorney at law duly licensed to practice before this Court. I am a partner at the law firm of Blank Rome LLP, counsel of record for the Plaintiffs Glenn Hurowitz and Calliope Partners, Inc. ("Plaintiffs") in this matter. I could and would testify to the facts set forth in this declaration if called upon to do so based on my own personal knowledge.

2. Defendant Climate Advisers ("Defendant") filed a Motion to Dismiss on July 10, 2015 (ECF No. 7) that originally was set for hearing on September 4, 2015.

3. On September 2, 2015, the Court signed a stipulated Order (ECF No. 21) pursuant to which Plaintiffs' opposition to the Motion to Dismiss is due October 2, 2015, Defendant's reply is due November 3, 2015, and the hearing is set for November 20, 2015.

4. The parties participated in a day-long mediation of the dispute on August 11, 2015 pursuant to which they continue to negotiate the framework for a resolution of the dispute.

5. The parties would like to continue the Initial Case Management Conference from October 2, 2015 to November 20, 2015 (the same day as the hearing on the Motion to Dismiss) so they can focus their immediate efforts on finalizing a negotiated resolution of this matter.

6. There were prior requests to continue the dates on the Motion to Dismiss to accommodate the August 11 mediation, but the parties neglected to request a continuance of the Initial Case Management Conference at that time. There have been no other requests for time modification in this case. The parties do not believe the requested time modification otherwise will impact the schedule for the case.

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

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed September 17, 2015 in Los Angeles, California.

By: /s/ Michael L. Ludwig
Michael L. Ludwig

PURSUANT TO STIPULATION, IT IS SO ORDERED.

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3 1. The Initial Status Conference is continued from October 2, 2015 to
4 December 4, 2015, at 2:30 p.m.
5 ~~November 20, 2015.~~

6 Dated: 9/18/15



Judge Susan Illston
United States District Court