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5 Attorneys for Plaintiff GreenCycle Paint, Inc., a
 6 California corporation

7
 8 UNITED STATES DISTRICT COURT
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 10 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

11 GREENCYCLE PAINT, INC., a California
 12 corporation,

13 Plaintiff,

14 vs.

15 PAINTCARE, INC., a Delaware corporation,
 CLEAN HARBORS ENVIRONMENTAL
 16 SERVICES, INC., a Massachusetts
 corporation,
 17 STERICYCLE ENVIRONMENTAL
 SOLUTIONS, INC., a Delaware corporation,
 18 and DOES 1-10,

19 Defendants.
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Case No. 3:15-cv-04059-MEJ

**STIPULATION AND ~~PROPOSED~~
 ORDER RESETTING HEARING DATE
 AND BRIEFING SCHEDULE FOR
 DEFENDANTS' MOTION TO DISMISS
 PLAINTIFF'S FIRST AMENDED
 COMPLAINT**

Civil Local Rules 6-1(b), 6-2 and 7-12

Action Filed: August 4, 2015
 Removed: September 4, 2015
 FAC Filed: May 6, 2016
 Trial Date: None Set

Wendel, Rosen, Black & Dean LLP
 1111 Broadway, 24th Floor
 Oakland, California 94607-4036

STIPULATION

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2 WHEREAS, on June 22, 2016, Defendants PaintCare, Inc., Clean Harbors Environmental
3 Services, Inc., and Stericycle Environmental Solutions, Inc. (collectively, the “Defendants”) each
4 filed separate motions to dismiss Plaintiff Greencycle Paint, Inc.’s (the “Plaintiff”) First Amended
5 Complaint (“Defendants’ Motions to Dismiss”).

6 WHEREAS, Plaintiff’s opposition to Defendants’ Motions to Dismiss is due on July 6,
7 2016, Defendants’ replies to Plaintiff’s opposition to Defendants’ Motions to Dismiss are due on
8 July 13, 2016, and a hearing for Defendants’ Motions to Dismiss is set for August 11, 2016.

9 WHEREAS, Plaintiff’s counsel has requested from Defendants, and Defendants have
10 agreed to reset the hearing date to September 29, 2016 and to extend Plaintiff’s opposition
11 deadline and Defendants’ reply deadline to August 10, 2016 and August 24, 2016, respectively,
12 for the following reasons:

13 (1) In addition to other matters, Plaintiff’s counsel has an appeal to be filed with
14 Cal/OSHA on behalf of United States Cold Storage, Inc. by July 1, 2016;

15 (2) Plaintiff’s counsel has a settlement agreement to prepare and finalize on behalf of
16 United States Cold Storage, Inc. in a separate matter;

17 (3) Plaintiff’s counsel has a scheduled vacation from July 1, 2016 to July 11, 2016;

18 (4) Plaintiff’s counsel has a motion for summary judgment to be prepared and filed the
19 week after counsel returns from vacation for the *Andrews v. Cavagnero, et al.* matter in the
20 Superior Court of California, County of Marin (Case No. CV 1500790);

21 (5) Plaintiff’s counsel must oppose three separate motions to dismiss, and Defendant
22 PaintCare, Inc.’s motion to dismiss contains over six hundred pages for review, including detailed
23 legislative history; and

24 (6) The issue as to the safe harbor provision is one of first impression.

25 WHEREAS, the parties have previously stipulated to the following time modifications in
26 this case:

27 (1) To extend Defendant Stericycle Environmental Solutions, Inc.’s time to respond to
28 Plaintiff’s Complaint to September 25, 2015;

1 (2) To extend Defendant PaintCare, Inc.'s time to respond to Plaintiff's Complaint to
2 September 28, 2015;

3 (3) To extend Defendant Clean Harbors Environmental Services, Inc.'s time to respond to
4 Plaintiff's Complaint to September 28, 2015;

5 (4) To continue the hearing on Defendants' motions to dismiss Plaintiff's Complaint to
6 December 17, 2015 and to continue all dates set forth in the Order Setting Initial Case
7 Management Conference and ADR Deadlines by at least four weeks to accommodate a December
8 17, 2015 hearing date; and

9 (5) To extend Defendants' time to respond to Plaintiff's First Amendment Complaint to
10 June 22, 2016.

11 WHEREAS, the parties have not requested or stipulated to any prior extensions as to
12 Defendants' Motions to Dismiss.

13 WHEREAS, no trial date or other pre-trial deadlines have been scheduled, so other than
14 the hearing date on the motions to dismiss, Plaintiff's requested modification would not affect the
15 schedule for this case.

16 THEREFORE, THE PARTIES STIPULATE AND AGREE that the hearing for
17 Defendants' Motions to Dismiss be held on September 29, 2016 and that Plaintiff's opposition and
18 Defendants' replies be submitted on or before August 10, 2016 and August 24, 2016, respectively.

19
20 DATED: June 30, 2016

WENDEL, ROSEN, BLACK & DEAN LLP

21
22 By:



23 Gregory C. Brandt
24 Attorneys for Plaintiff GreenCycle Paint, Inc., a
25 California corporation
26
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28

1 DATED: June 30, 2016

VENABLE LLP

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By: /s/ Thomas E. Wallerstein
Thomas E. Wallerstein
Attorneys for Defendant PaintCare, Inc.

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DATED: June 30, 2016

BURNHAM BROWN

By: /s/ Thomas M. Downey
Thomas M. Downey
Attorneys for Defendant Clean Harbors
Environmental Services, Inc.

DATED: June 30, 2016

PARSONS, BEHLE & LATIMER


By: /s/ Raymond J. Etcheverry
Raymond J. Etcheverry
Attorneys for Defendant Stericycle Environmental
Solutions, Inc.

FILER'S ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I hereby certify that I have obtained the concurrence in the filing of this document from all signatories for whom a signature is indicated by a "conformed" signature (/s/) within this electronically filed document and I have on file records to support this concurrence for subsequent production to the Court if so ordered or for inspection upon request.

DATED: June 30, 2016

WENDEL, ROSEN, BLACK & DEAN LLP

By: 
Gregory C. Brandt
Attorneys for Plaintiff GreenCycle Paint, Inc., a
California corporation

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that the hearing for Defendants' Motion to Dismiss Plaintiff's First Amended Complaint is reset for September 29, 2016 and that Plaintiff's opposition and Defendants' replies be submitted on or before August 10, 2016 and August 24, 2016, respectively.

IT IS SO ORDERED.

DATED: July 1, 2016

Maria-Elena James
United States District Court Magistrate Judge

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