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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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12 LEVI STRAUSS & CO.,
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14 v. Plaintiff,
15 AQUA DYNAMICS SYSTEMS, INC.,
16 Defendant.
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Case No. 15-cv-04718-WHO

**STIPULATION TO 1) CONTINUE CASE
MANAGEMENT CONFERENCE AND
RULE 26 DISCLOSURES 2) EXTEND
TIME TO RESPOND TO FIRST
AMENDED COMPLAINT 3)
WITHDRAW PENDING MOTION TO
DISMISS; AND ORDER THEREON**

Judge: William H. Orrick

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19 WHEREAS Aqua Dynamics Systems, Inc. (“Aqua Dynamics”) and Levi
20 Strauss & Co. (“Levi’s”) entered into a stipulation to extend time for Aqua Dynamics to
21 respond to the complaint and the Court entered its order thereon dated December 7, 2015;
22 (Docket No. 13).

23 WHEREAS Aqua Dynamics has filed a motion to dismiss Levi’s complaint or
24 in the alternative stay the action pending arbitration and that motion is scheduled to be
25 heard on February 10, 2016 (Docket No. 14);

26 WHEREAS Levi’s filed a First Amended Complaint on January 4, 2016
27 (Docket No. 22);
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1 WHEREAS Levi's filed opposition to the Motion to Dismiss but Aqua
2 Dynamics has not yet filed its reply to that opposition (Docket No. 23);

3 WHEREAS, Aqua Dynamics contends this court does not have subject matter
4 jurisdiction of the First Amended Complaint or this Action and intends to file a Motion to
5 Dismiss the First Amended Complaint and the parties desire to enter into a stipulation
6 setting forth a briefing schedule and hearing date for that motion;

7 WHEREAS, the parties previously stipulated to continue the Case
8 Management Conference and Rule 26 Disclosures to dates after the Court ruled on a
9 Motion to Dismiss and desire to do so again (Docket No. 20);

10 WHEREAS, in order to conserve client and court resources pending Aqua
11 Dynamics' motion to dismiss the First Amended Complaint, the parties wish to continue
12 the status conference scheduled for March 1, 2016 and continue the deadlines relating to
13 Rule 26(f) conference and ADR disclosures;

14 IT IS HEREBY STIPULATED and agreed between the parties as follows:

15 1. The motion of Aqua Dynamics to dismiss the complaint set for hearing on
16 February 10, 2016 is withdrawn. The parties have met and conferred and
17 agree to a briefing schedule on any motion filed by Aqua Dynamics in
18 response to the First Amended Complaint as follows:

- 19 • Motion filing February 19, 2016
- 20 • Opposition due March 4, 2016
- 21 • Reply due March 11, 2016
- 22 • Hearing March 30, 2016

23 2. The Case Management Conference currently scheduled for March 1, 2016
24 be continued to May 10, 2016 at 2:00 p.m.;

25 3. The Rule 26(f) conference and ADR certification is continued to April 14,
26 2016;

1 4. The initial disclosures will be exchanged between the parties on April 28,
2 2016;

3 Nothing in this stipulation affects LS&Co.'s ability to seek provisional relief in
4 this matter, and neither party shall use this extension period as the basis for any argument
5 in this or any other matter pending between the parties.

6 DATED: January 21, 2016

HANSON BRIDGETT

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8 By: /s/Robert A. McFarlane
9 Robert A. McFarlane
10 Attorneys for Plaintiff
LEVI STRAUSS & CO.

11 DATED: January 21, 2016

MORRIS POLICH & PURDY LLP

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13 By: /s/Timothy M. Flaherty
14 Timothy M. Flaherty
15 Attorneys appearing specially for Defendant
AQUA DYNAMICS SYSTEMS, INC.

16 Pursuant to Local Rule 5-1(i)(1)-(3), Timothy M. Flaherty hereby attests that
17 all other signatories listed, and on whose behalf the filing is submitted, concur in the
18 filing's content and have authorized the filing of this document.

19
20 **MORRIS POLICH & PURDY LLP**

21 By: /s/Timothy M. Flaherty
22 Timothy M. Flaherty

23 ORDER

24 The court having considered the Stipulation of the parties and good cause
25 appearing, orders as follows:

- 26 1. Aqua Dynamics Motion to Dismiss the First Amended Complaint shall be
27 filed on or before February 19, 2016; Levi's opposition brief shall be due
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March 4, 2016; Aqua Dynamics' reply brief shall be due on March 11, 2016;

- 2. Hearing on Motion to Dismiss the First Amended Complaint shall be March 30, 2016 at 2:00 p.m.
- 3. The Case Management Conference is continued from March 1, 2016 to May 10, 2016 at 2:00 p.m. in Courtroom 2, 17th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102;
- 4. Counsel will schedule a Rule 26(f) conference and file their ADR certification on or before April 14, 2016;
- 5. The initial disclosures will be exchanged between the parties on April 28, 2016.

IT IS SO ORDERED.

DATED: January 22, 2016



Judge William H. Orrick