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8 Attorneys for Defendant and Third Party Plaintiff  
 9 ENGINEERED WALL SYSTEMS, INC.

10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN FRANCISCO DIVISION**

13 PERFORMANCE CONTRACTING, INC.,

14 Plaintiff,

15 v.

16 ENGINEERED WALL SYSTEMS, INC.,  
 17 and DOES 1 to 100, inclusive,

18 Defendants,

19 v.

20 TOP NOTCH COLLISION, LLC,

21 Third-Party Defendant.

Case No. 3:15-cv-05245-RS

**STIPULATION AND ~~PROPOSED~~  
 ORDER FOR EXTENSION OF TIME  
 TO RESPOND TO MOTION TO  
 DISMISS FILED BY THIRD PARTY  
 DEFENDANT TOP NOTCH  
 COLLISION, LLC**

**[CIVIL LOCAL RULE 6-2]**

Date: March 3, 2016  
 Time: 1:30 p.m.  
 Judge: Honorable Richard Seeborg  
 Courtroom: 3, 17th Floor

22 Pursuant to Local Rule 6-2, Defendant and Third Party Plaintiff Engineered Wall  
 23 Systems, Inc. (“EWS”) and Third Party Defendant Top Notch Collision, LLC (“Top Notch”),  
 24 by and through their counsel of record, hereby stipulate as follows:

25 WHEREAS, on November 24, 2015, EWS filed a Third Party Complaint against Top  
 26 Notch;

27 WHEREAS, Top Notch’s response to the Third Party Complaint was due on  
 28 December 24, 2015;

1 WHEREAS, EWS granted Top Notch an extension of time to respond to the Third  
2 Party Complaint, up to and including January 21, 2016;

3 WHEREAS, on January 21, 2016, Top Notch filed a Motion to Dismiss the Third Party  
4 Complaint with the hearing noticed for March 3, 2016;

5 WHEREAS, EWS' response to the Motion to Dismiss is currently due on February 4,  
6 2016;

7 WHEREAS, lead counsel for EWS is in the process of transitioning to a different law  
8 firm;

9 WHEREAS, Top Notch has agreed to a one-week extension of time for EWS to  
10 respond to the Motion to Dismiss, up to and including February 11, 2016;

11 WHEREAS, the requested extension will not alter any other deadline or event already  
12 set by the Court.

13 THEREFORE, the parties agree that EWS' response to the Motion to Dismiss shall be  
14 due on February 11, 2016.

15 IT IS SO STIPULATED.

16  
17 DATED: February 4, 2016

Respectfully submitted,  
KILPATRICK TOWNSEND & STOCKTON LLP

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20 By:                                 /s/ Holly Gaudreau                                  
  Holly Gaudreau

21 Attorneys for Defendant and Third Party Plaintiff  
22 ENGINEERED WALL SYSTEMS, INC.

23  
24 LEWIS BRISBOIS BISGAARD & SMITH LLP

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26 By:                                 /s/ Jonathan G. Kepko                                  
  Jonathan G. Kepko


27 Attorneys for Third Party Defendant  
28 TOP NOTCH COLLISION, LLC

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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: 2/5/16

  
\_\_\_\_\_  
Richard Seeborg  
United States District Judge

**ATTESTATION OF CONCURRENCE**

Pursuant to Local Rule 5-1(i), I hereby attest that Jonathan G. Kepco, counsel of record for Third Party Defendant Top Notch Collision, LLC, has concurred in this filing.

\_\_\_\_\_  
*/s/ Holly Gaudreau*  
Holly Gaudreau