

1 CHRIS BAKER, State Bar No. 181557
 2 cbaker@bakerlp.com
 3 BAKER & SCHWARTZ, P.C.
 4 44 Montgomery Street, Suite 3520
 5 San Francisco, CA 94104
 6 Telephone: (415) 433-1064
 7 Fax: (415) 520-0446
 8 Attorneys for Plaintiff
 9 DAVID BARNES

10 UNITED STATES DISTRICT COURT
 11
 12 NORTHERN DISTRICT OF CALIFORNIA

13 Case No. 16-cv-00477-EMC

14 DAVID BARNES
 15 Plaintiff,
 16 vs.
 17 ENERGY RECOVERY, INC., a Delaware
 18 Corporation; THOMAS ROONEY, an individual;
 19 and JOEL GAY, an individual
 20 Defendants.

21 **STIPULATION AND ~~[PROPOSED]~~**
 22 **ORDER TO MODIFY BRIEFING**
 23 **SCHEDULE**

24 **STIPULATION**

25 Pursuant to Local Rule 7-1 and Judge Chen’s Standing Orders, the parties hereby submit
 26 this Stipulation and [Proposed] Order to modify the briefing schedule regarding Defendant
 27 Energy Recovery, Inc.’s Motion For Order Directing Plaintiff’s Counsel To Return Defendant
 28 Energy Recovery, Inc.’s Documents.

WHEREAS, on January 27, 2016, Plaintiff David Barnes (“Plaintiff”) filed his Complaint
 in this case with the Northern District of California;

WHEREAS, on February 9, 2016, this case was reassigned to Judge Edward Chen after a
 finding that it was related to a securities litigation matter involving Energy Recovery, Inc., which

1 is currently pending before Judge Chen (*In re Energy Recovery, Inc. Securities Litigation*, Case
2 No. 3:15-cv-00265-EMC);

3 WHEREAS, on February 16, 2016 defendant Energy Recovery, Inc. (“Defendant ERI”)
4 filed a motion styled “Motion for Order Directing Plaintiff and Plaintiff’s Counsel to Return
5 Defendant Energy Recovery, Inc.’s Documents.”

6 WHEREAS, March 1, 2016 is the current deadline for Plaintiff to file his Opposition to
7 Defendant ERI’s Motion to Return Documents;

8 WHEREAS, Plaintiff’s Counsel has (and has had) other business and personal matters
9 scheduled through March 1, 2016, including a hearing in Sacramento Superior Court on February
10 29, 2016.

11 WHEREAS, March 8, 2016, is the current deadline for Defendant ERI to file any Reply
12 Brief in support of its Motion to Return Documents.

13 WHEREAS, March 24, 2016 at 1:30PM is the current hearing on Defendant ERI’s
14 Motion to Return Documents

15 NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

16 1. Plaintiff’s deadline for filing an opposition to Defendant’s motion is extended one
17 day, to March 2, 2016.

18 2. Defendant’s deadline for filing a reply in support of its motion is likewise
19 extended one day, to March 9, 2016.

20 /

21 /

22 /

23 /

24 /

25 /

26 /

27 /

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. The hearing date of March 24, 2016 will remain the same.

Dated: February 24, 2016

BAKER & SCHWARTZ P.C.

By:-----S-----

Chris Baker
Attorney for Plaintiff
DAVID BARNES

Dated: February 24, 2016

LEWIS RICE LLC and FISHER & PHILLIPS LLP

By:-----S-----

David W. Gearhart
Attorney for Defendant
ENERGY RECOVERY, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~**PROPOSED**~~ **ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED:

The Court, having read and considered the Parties' Stipulation to Modify Briefing Schedule, and finding good cause in support thereof, hereby orders that the filing deadline and the hearing date is continued as follows:

1. Plaintiff's deadline to file an opposition to Defendant's Motion to Return Documents is continued to March 2, 2016;
2. Defendant's deadline to file any reply in support of its Motion to Return Documents is continued to March 9, 2016.
3. This Order does not change the current hearing date.

DATED: February 25, 2016



HON. EDWARD CHEN
UNITED STATES DISTRICT JUDGE