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6 Attorneys for Defendants
 7 ENERGY RECOVERY, INC., THOMAS ROONEY, and JOEL GAY

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

12 DAVID BARNES,

13 Plaintiff,

14 vs.

15 ENERGY RECOVERY, INC., a Delaware
 Corporation; THOMAS ROONEY, an
 16 individual; and JOEL GAY, an individual,

17 Defendants.

CASE NO. 4:16-cv-00477 EMC

**STIPULATION AND [PROPOSED]
 ORDER TO MODIFY RESPONSIVE
 PLEADING DEADLINE**

Date: n/a
 Time: n/a
 Location: Courtroom 5, 17th Floor
 Judge: The Hon. Edward M. Chen

Complaint Filed: January 27, 2016
 Trial Date: None

21 **STIPULATION**

22 Pursuit to Local Rule 7-1 and Judge Chen’s Standing Order, the parties hereby submit
 23 this Stipulation and [Proposed] Order to modify the responsive pleading deadline of Defendants
 24 Energy Recovery, Inc., Thomas Rooney, and Joel Gay.

25 WHEREAS, on January 27, 2016, Plaintiff David Barnes (“Plaintiff”) filed his original
 26 Complaint in this case;

27 WHEREAS, on February 9, 2016, this case was reassigned to Judge Edward Chen;

1 WHEREAS, on February 16, 2016, Defendant Energy Recovery, Inc. filed a Motion for
2 Order Directing Plaintiff and Plaintiff’s Counsel to Return Defendant Energy Recovery, Inc.’s
3 Documents (“ERI’s Motion to Return”);

4 WHEREAS, on March 2, 2016, non-party Henry Low filed a Motion to Intervene and
5 proposed Opposition to ERI’s Motion to Return;

6 WHEREAS, on March 3, 2016, Plaintiff filed his Opposition to Defendant ERI’s
7 Motion to Return;

8 WHEREAS, on March 8, 2016, Plaintiff filed an Amended Complaint;

9 WHEREAS, March 22, 2016 is the current deadline for Defendants’ responsive
10 pleading;

11 WHEREAS, Defendants’ counsel has other business and personal matters scheduled
12 through March 20, 2016, including prearranged family vacation from March 12 to March 20,
13 2016; and

14 WHEREAS, Defendants have several briefing obligations presently set in this matter
15 over the next three weeks.

16 NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

17 1. Defendants’ deadline for filing a response to Plaintiff’s Amended Complaint is
18 extended three days, to March 25, 2016.

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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

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

1. Defendants' deadline to file a responsive pleading to Plaintiff's Amended Complaint is extended three days, to March 25, 2016.

DATED: 3/11/16 _____

