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ALERTENTERPRISE, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ALERTENTERPRISE, INC., a Delaware Corporation,

Plaintiff,

v.

JOHNSON CONTROLS, INC., a Wisconsin Corporation,

Defendant.

JOHNSON CONTROLS, INC. a Wisconsin Corporation,

Counter-Claimant,

v.

ALERTENTERPRISE, INC., a Delaware Corporation,

Counter-Defendant.

Case No. 3:16-cv-02900 EMC

STIPULATION AND PROPOSED ORDER CONTINUING CASE MANAGEMENT CONFERENCE AND OTHER PENDING DEADLINES

Judge: Hon. Edward M. Chen
Crtrm.: 5, 17th Floor

Plaintiff AlertEnterprise, Inc. ("Plaintiff") and defendant Johnson Controls, Inc. ("Defendant") (collectively, "the Parties"), petition this Court for an order by stipulation pursuant to Civil Local Rule 16-2(d) and the Rule 4 of the "Civil Standing Order – General U.S. District Judge Edward M. Chen," dated March 12, 2015, to continue the Case Management Conference scheduled on August 25, 2016 to a date after the hearing on Defendant's Motion to Transfer Venue.

I. Recitals

On April 26, 2016, Plaintiff filed a complaint in the above-entitled action in the Superior Court for the State of California, County of Alameda ("Complaint");

On May 31, 2016, Defendant removed the above-entitled action to the United States District Court for the Northern District of California;

On July 5, 2016, this Court entered a Notice resetting the Case Management Conference for August 25, 2016 at 1:30 PM (Dkt. # 23);

On July 20, 2016, Defendant filed a Motion to Transfer Venue in the above-entitled action, seeking a transfer of venue to the United States District Court for the Northern District of Georgia (Dkt. # 26). Defendant's Motion to Transfer Venue is scheduled to be heard before this Court on August 25, 2016;

There have been no prior continuances of the Case Management Conference or other deadlines associated with this matter.

II. Grounds for Stipulation

The Parties have met and conferred and agree that continuance of the currently scheduled Case Management Conference to a date after the August 25, 2016 hearing on Defendant's Motion to Transfer Venue will permit more efficient case management, will serve the interests of judicial economy, and will conserve party resources.

Specifically, in the event Motion to Transfer Venue is granted, it will require trial counsel in the transferee venue to comply with the requirements of Rule 16 of the Federal Rules of Civil Procedure ("Rule 16") and any related local rules of the

transferee court governing the Rule 26(f) conference and report and the Case Management Conference. Thus, continuance of the Case Management Conference will avoid an unnecessary duplication of effort by present counsel and will avoid waste of this Court's judicial resources.

In the event the Motion to Transfer Venue is denied, the parties agree that the proposed continuance will allow current counsel adequate time to conduct a Rule 26(f) conference and prepare and submit a joint report as required under Rule 16 and this Court's local rules prior to the date of the continued Case Management Conference.

The parties further agree that it is in the interests of efficient case management to continue pending deadlines under Civil Local Rule 16.8 and ADR Local Rule 3-5 to conform to the date of the continued Case Management Conference.

III. Stipulation

Based on the foregoing, the Parties, by and through their respective counsel of record, hereby stipulate and agree that:

1. The August 25, 2016 Case Management Conference shall be continued to a date no earlier than September 22, 2016, or another date that is convenient for this Court.
2. The deadline for the parties to file a Joint Case Management Statement shall be governed by the date of the continued Case Management Conference.
3. Compliance with the procedures under Civil Local Rule 16-8 and ADR Local Rule 3-5 shall be governed by the date of the continued Case Management Conference.

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IT IS SO STIPULATED.

DATED: August 8, 2016 SACKS RICKETTS & CASE LLP

By: */s/ Steve Chiari*
Steve Chiari
Attorneys for Plaintiff
ALERTENTERPRISE, INC.

DATED: August 8, 2016 SEDGWICK LLP

By: */s/Maria J. Giardina*
Maria J. Giardina
Attorneys for Defendant
JOHNSON CONTROLS, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

IT IS FURTHERED ORDERED that the Case Management Conference be continued to September 22, 2016 at 9:30 a.m. A joint CMC statement shall be filed by September 15, 2016.

DATED: August 12, 2016

THE HONORABLE [illegible] CHEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
IT IS SO ORDERED AS MODIFIED
Judge Edward M. Chen

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1

I, Maria J. Giardina, attest that concurrence in the filing of this Stipulation to Continue the Case Management Conference and Other Pleading Deadlines (L.R. 6-2(a)) has been obtained from the other signatory. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 8th day of August, 2016, in San Francisco, California.

SEDGWICK LLP

By: */s/ Maria J. Giardina*
Maria J. Giardina
Attorneys for Defendant
JOHNSON CONTROLS, INC.