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10 Attorneys for Defendants,
 11 KIEWIT INFRASTRUCTURE WEST CO.,
 12 and CHERNE CONTRACTING CORPORATION

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 LINDSEY L. AUSTIN,
 16 Plaintiff,
 17 v.
 18 KIEWIT INFRASTRUCTURE WEST CO., et
 19 al.,
 20 Defendants.

21 **Case No. 17-cv-01920-JST**
 22 **Date Action Filed: April 6, 2017**
 23 **STIPULATION AND ~~PROPOSED~~ ORDER**
 24 **EXTENDING DEFENDANTS' TIME TO**
 25 **RESPOND TO COMPLAINT**
 26 **L.R. 6-1(b)**
 27 **Crtrm: 9, 19th Floor**
 28 **Judge: The Honorable**
Jon S. Tigar

1 **STIPULATION**

2 Pursuant to L.R. 6-1(b), this Stipulation is made and entered into by and between pro per
3 Plaintiff Lindsey L. Austin ("Plaintiff") and Defendants Kiewit Infrastructure West Co. and Cherne
4 Contracting Corporation ("Defendants"), and collectively (the "Parties"), in order to extend the time
5 for Defendants to file their responsive pleading to Plaintiff's Complaint, filed on April 6, 2017, by
6 approximately 14 days. Plaintiff and Defendants, through their respective counsel of record, agree
7 and stipulate as follows:

- 8 1. WHEREAS, Plaintiff filed his Complaint on April 6, 2017;
- 9 2. WHEREAS, an employee of Defendant Kiewit Infrastructure West Co. was served on
10 May 11, 2017;
- 11 3. WHEREAS, presuming effective service for purposes of this Stipulation only, Defendants
12 would need to file a responsive pleading by June 1, 2017;
- 13 4. WHEREAS, Defendants did not retain counsel until June 1, 2017;
- 14 5. WHEREAS, on June 1, 2017, Defendants requested an extension of 21 days, and Plaintiff
15 agreed to an extension of 14 days;
- 16 6. WHEREAS, on April 6, 2017, the Court issued an Order Setting Initial Case Management
17 Conference and ADR Deadlines, scheduling the Initial Case Management Conference for
18 July 6, 2017, and Rule 26(f) and ADR deadlines for June 15, 2017 and June 29, 2017;
- 19 7. WHEREAS, in light of the requested extension of time for Defendants to answer or
20 otherwise respond to the Complaint, the Parties respectfully request the Court to also
21 continue the Initial Case Management Conference and related deadlines for at least 14 days,
22 in order for the Parties to file a responsive pleading and benefit meaningfully from Rule 26(f)
23 and ADR proceedings;
- 24 8. WHEREAS, there have been no other extensions in time in this case;
- 25 9. NOW THEREFORE, in consideration of the foregoing, Plaintiff and Defendants, by and
26 through their respective counsel, hereby STIPULATE and AGREE as follows:
 - 27 a. Defendants' time to file a responsive pleading to Plaintiff's Complaint in this
28 action is extended up to and including June 15, 2017;

- b. The Parties respectfully request the court to vacate the Order setting the Initial Case Management Conference and ADR Deadlines, and issue a new Order with deadlines subsequent to June 15, 2017; and
- c. By entering into this Stipulation, Defendants in no way concede liability with respect to any of Plaintiff's claims and expressly reserve and preserve all rights and defenses with respect thereto.

IT IS SO AGREED UPON AND STIPULATED

DATED: June 1, 2017.

BAKER & McKENZIE LLP

By: /s/ Kevin D. Whittaker
Kevin D. Whittaker
Attorneys for Defendant
KIEWIT INFRASTRUCTURE WEST
CO., and CHERNE CONTRACTING
CORPORATION

DATED: June 1, 2017

By: /s/ Lindsey Austin
Lindsey Austin
In Pro Per

FILER'S ATTESTATION OF CONCURRENCE

I, Kevin Whittaker, attest that I am one of the attorneys for Defendants Kiewit Infrastructure West Co. and Cherne Contracting Corporation. As the ECF user and filer of this document, I attest that concurrence in the filing of this document has been obtained from its signatories.

Dated: June 1, 2017 /s/ Kevin Whittaker
Kevin Whittaker

3 **~~PROPOSED~~ ORDER**

4 PURSUANT TO STIPULATION, the following is ORDERED:

5 Defendants' time to file responsive pleadings to Plaintiff's Complaint in this action is
6 extended to and including **June 15, 2017**; and

7 The Court vacates the Order setting the Initial Case Management Conference and ADR
8 Deadlines, and will subsequently issue a new Order.

9 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

10
11 Dated: June 5, 2017


12 John S. Tigar
13 United States District Judge