

1 SMITH PATTEN  
 2 DOW W. PATTEN, ESQ. (SBN: 135931)  
 3 888 S. Figueroa St., Suite 2030  
 4 Los Angeles, California 90017  
 5 Telephone (213) 488-1300; (415) 402-0084  
 6 Facsimile (415) 520-0104  
 7 dow@smithpatten.com

8 Attorney for Plaintiff  
 9 LINDSEY L. AUSTIN

10 **UNITED STATES DISTRICT COURT**  
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 LINDSEY L. AUSTIN,	)	<b>Case No. 17-cv-01920-JST</b>
	)	
13 Plaintiff,	)	<b>STIPULATION AND PROPOSED</b>
14 v.	)	<b>ORDER GRANTING LEAVE TO FILE</b>
	)	<b>AMENDED COMPLAINT</b>
	)	
15 KIEWIT INFRASTRUCTURE WEST CO.,	)	
16 et al.,	)	<b>Complaint filed: April 6, 2017</b>
	)	
17 Defendants.	)	
	)	
	)	
	)	

18 The parties, through their respective counsel of record herein, hereby STIPULATE as  
 19 follows:

- 20 1. On July 31, 2017 Plaintiff, in pro per, filed a First Amended Complaint. (Dkt # 30)
- 21 2. On August 14, 2017 Defendants filed a Motion to Dismiss the First Amended Complaint  
 22 (Dkt# 33 )
- 23 3. On October 4, 2017 the Court appointed DOW W. PATTEN as pro bono counsel in this  
 24 matter. (Dkt #38).
- 25 4. The parties, through their counsel of record herein have met and conferred, and have  
 26 agreed that permitting Plaintiff to file an amended complaint may potentially clarify or address a  
 27 number of the issues raised in Defendants' Motion to Dismiss (Dkt# 33).  
 28

1 5. In the interests of expediting this case and further in the interests of judicial economy, the  
2 parties hereby STIPULATE that Plaintiff be granted leave to file a Second Amended Complaint  
3 in this matter, and request that the Court enter the Proposed Order below.

4 SO STIPULATED,

5 BAKER & MCKENZIE LLP

7 Dated: 01/09/18

6  
7 /s/ Benjamin R. Buchwalter  
8 Benjamin R. Buchwalter  
9 Attorneys for Defendants  
10 KIEWIT INFRASTRUCTURE  
11 WEST CO., and CHERNE  
12 CONTRACTING CORPORATION

SMITH PATTEN

13 Dated: 01/09/18

14  
15 /s/ Dow W. Patten  
16 DOW W. PATTEN  
17 Attorney for Plaintiff  
18 LINDSEY L. AUSTIN

19 ~~PROPOSED~~ ORDER

20 Having reviewed the Stipulation of the parties, and GOOD CAUSE APPEARING,  
21 Plaintiff is hereby granted leave to file a Second Amended Complaint in this matter and shall do  
22 so within seven (7) days of entry of this ORDER.

23  
24 SO ORDERED, this 10 day of January, 2018

25   
26 Hon. Jon S. Tigar  
27 United States District Judge  
28