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7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA
 9 SAN JOSE DIVISION

11 SEBASTIAN KLEINER and SILVANA
 KRAFTSCHIK,

12 Plaintiffs,

14 vs.

15 SPINAL KINETICS, INC., a Delaware
 16 corporation,

17 Defendant.

) Case No. 5:15-cv-02179-EJD

) **STIPULATION TO EXTEND TIME TO**
) **RESPOND TO DEFENDANT’S MOTION**
) **TO DISMISS BASED ON *FORUM NON***
) ***CONVENIENS***

19 WHEREAS, Defendant filed a Motion to Dismiss Based on *Forum Non Conveniens*
 20 September 21, 2015 (Doc. 22);

21 WHEREAS, the current deadline to respond to this Motion is October 5, 2015;

22 WHEREAS, on October 5, 2015, Plaintiffs filed a First Amended Complaint to withdraw
 23 and remove certain claims and allegations;

24 WHEREAS, Defendant may amend its Motion to Dismiss Based on Forum Non
 25 Conveniens to address the withdrawal and removal of certain claims;

26 WHEREAS, the parties through counsel have met and conferred and agree that, pursuant
 27 to Local Rule 6-1, Plaintiffs' deadline to oppose the original or amended Motion to Dismiss

1 based on Forum Non Conveniens, shall be extended to October 9, 2015, and Defendant's
2 deadline to reply to the opposition shall be October 16, 2015;

3 WHEREAS, the parties through counsel have met and conferred and agree that, pursuant
4 to Local Rule 6-1, Defendant's deadline to respond to Plaintiffs' First Amended Complaint shall
5 be October 26, 2105.

6 WHEREAS, the brief extensions set forth herein will not alter the date of any other event
7 or deadline already set by the Court in this action;

8 THEREFORE, IT IS HEREBY STIPULATED by the parties through their respective
9 counsel that the deadlines for Plaintiff to oppose Defendant's Amended Motion to Dismiss Based
10 on Forum Non Conveniens is continued to and includes October 9, 2015, Defendant's deadline to
11 reply to the opposition is continued to and includes October 16, 2015, and Defendant's deadline
12 to respond to Plaintiffs' First Amended Complaint is continued to and shall be October 26, 2015.

13 Dated: October 5, 2015

SPAGNOLETTI & CO.

14
15 By: /s/ David S. Toy
David S. Toy

16 Attorney for Plaintiffs, Sebastian Kleiner
17 and Silvana Kraftschik

18 **DRINKER BIDDLE & REATH LLP**

19
20 Dated: October 5, 2015

By: /s/ Michelle A. Childers
Michelle A. Childers

21 Attorney for Defendant
22 Spinal Kinetics, Inc.

23 **Attestation Pursuant to Civil Local Rule 5-1(i)**

24 Pursuant to Civil Local Rule 5-1(i), I, David S. Toy, hereby attest that I have
25 obtained concurrence in the filing of this document from the other signatory to this document.
26 I declare under penalty of perjury under the laws of the United States of America that the
27 foregoing is true and correct. Executed this 5th day of October, 2015, in Houston, Texas.

28 /s/ David S. Toy
David S. Toy