

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	Chapter 11
)	
AGERA ENERGY LLC, et al., ¹)	Case No. 19-23802 (RDD)
)	
Debtors,)	(Jointly Administered)
)	
)	
AGERA ENERGY LLC,)	
)	
Plaintiff,)	Adv. Proc. No. 19-08554 (RDD)
)	
v.)	
)	
SUNWAVE USA HOLDINGS, INC.,)	
)	
Defendant.)	

**STIPULATION AND ORDER EXTENDING TIME TO OPPOSE
OR OTHERWISE RESPOND TO SUNWAVE’S MOTION TO DISMISS**

Plaintiff Agera Energy LLC (the “Debtor”) and defendant Sunwave USA Holdings, Inc. (“Sunwave,” and, together with Debtor, the “Parties”), by and through their undersigned counsel, hereby agree and stipulate to the following:

WHEREAS, the Debtor filed a complaint (the “Complaint”) in this adversary proceeding against Sunwave on November 8, 2019;

WHEREAS, Sunwave filed *Sunwave USA Holding Inc.’s Motion to Dismiss Agera Energy LLC’s Complaint* [Docket No. 12] (the “Motion to Dismiss”) on December 30, 2019; and

WHEREAS, Sunwave by and through its counsel, has stipulated and agreed that the time for the Debtor to oppose or otherwise respond to the Motion to Dismiss should be extended for

¹ The Debtors, together with the last four digits of each Debtor’s federal tax identification number, are: Agera Energy LLC (8122); Agera Holdings, LLC (3335); energy.me midwest llc (9484); Aequitas Energy, Inc. (7988); Utility Recovery LLC (4351); and Agera Solutions LLC (8749). The location of the Debtors’ corporate headquarters and the service address for all Debtors is 555 Pleasantville Road, S-107, Briarcliff Manor, NY 10510.

fourteen (14) days such that an opposition or other response to the Motion to Dismiss must be filed on or before February 4, 2020;

Accordingly, good cause having been shown, it is hereby **ORDERED** that the time for the Debtor to oppose or otherwise respond to the Motion to Dismiss is extended to February 4, 2020. All claims and defenses of the parties are expressly preserved. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation and/or interpretation of the instant order.

McDERMOTT WILL & EMERY

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Counsel to the Debtors and Debtors in Possession

Attorneys for Defendant Sunwave USA Holdings, Inc.

SO ORDERED:

/s/ Robert D. Drain
The Honorable Robert D. Drain
United States Bankruptcy Judge

Dated: January 17, 2020
White Plains, New York