

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

---

In re:	)	Chapter 11
	)	
AGERA ENERGY LLC, et al., <sup>1</sup>	)	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;

**WHEREAS**, on January 17, 2020, the Court entered the first *Stipulation and Order Extending Time to Oppose or Otherwise Respond to Sunwave’s Motion to Dismiss* [Docket No.

---

<sup>1</sup> 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.

13], which extended the deadline for the Debtor to oppose or otherwise respond to the Motion to Dismiss by two weeks, to February 4, 2020;

**WHEREAS**, on January 30, 2020, the Debtor submitted to the Court a second *Stipulation and Order Extending Time to Oppose or Otherwise Respond to Sunwave's Motion to Dismiss*, which proposed an extension of the deadline for the Debtor to oppose or otherwise respond to the Motion to Dismiss by two weeks, to February 18, 2020; 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 an additional fourteen (14) days such that an opposition or other response to the Motion to Dismiss must be filed on or before March 3, 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 March 3, 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**

**MINTZ LEVIN COHN FERRIS  
GLOVSKY AND POPEO, LLC**

By: /s/ Evan Belosa  
Darren Azman, Esq.  
Evan Belosa, Esq.  
340 Madison Avenue  
New York, NY 10173-1922  
Telephone: (212) 547 5400

By: /s/ Todd Rosenbaum  
Dominic J. Picca, Esq.  
Todd Rosenbaum, Esq.  
The Chrysler Center  
666 Third Avenue, 25<sup>th</sup> Floor  
New York, New York 10017  
Telephone: (212) 935-3000

*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: February 13, 2020  
White Plains, New York