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SANTA MONICA

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12 TIME WARNER TELECOM HOLDINGS INC.  
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14 UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISON

16 FILIPE MONTOYA,  
17  
18 Plaintiff,  
19  
20 vs.  
21 TIME WARNER TELECOM HOLDINGS  
22 INC.; and DOES 1 through 20, inclusive,  
23  
24 Defendants.

Case No. 1:08-CV-00227-AWI-DLB

**STIPULATION TO EXTEND MOTION  
FOR SUMMARY JUDGMENT  
DEADLINES**

Complaint Filed: December 20, 2007

25 **IT IS HEREBY STIPULATED** by and between Plaintiff Felipe Montoya (“Montoya”) and Defendant tw telecom holdings inc. (“TWT”) (collectively, the “Parties”) that the deadline for either Party to file a Motion for Summary Judgment and all corresponding dates for oppositions, replies and hearings shall be extended by **14 days**. As set forth below, this brief extension is needed due to a death in the family of Defendant’s counsel and an unexpected medical issue that arose with Defendant’s counsel’s son which will require surgery.

26 The Parties enter into this stipulation and seeks this Order for the following reasons and based on the following facts:

- 27 1. Lead counsel for TWT recently experienced an unexpected death in the family, which required him to travel to the East Coast for one week. Additionally, TWT’s lead counsel’s son has a serious medical issue that is being addressed by a surgery with a lengthy recovery

1 period in February 2009, which will render lead counsel unavailable for any work on this case for  
2 at least two weeks.

3 2. Neither party has requested an extension of any deadlines in this case prior to this  
4 request. The Parties do not expect that any other deadlines in this case – including the dates for  
5 the Pretrial Conference and the Trials – should be affected by this requested extension.

6 3. The Parties agree that a continuation of the deadline to submit a Motion for  
7 Summary Judgment/Summary Adjudication of the Issues and Opposition and Reply briefs thereto  
8 will not prejudice any of them.

9 **ACCORDINGLY**, the Parties hereby stipulate to extend the deadline to file a Motion for  
10 Summary Judgment/Summary Adjudication of **14 days** so that the following dates shall be set:

11 Dispositive Motion Deadline: February 13, 2009

12 Opposition Deadline (if served electronically): February 27, 2009

13 Reply Deadline: March 11, 2009

14 Hearing: March 16, 2009

15 Dated: January \_\_\_\_\_, 2009

W. J. SMITH & ASSOCIATES

17 By: \_\_\_\_\_ /s/  
18 Shelley G. Bryant  
Amanda B. Newell

19 Attorneys for Defendant  
20 FELIPE MONTOYA

21 Dated: January \_\_\_\_\_, 2009

CURIALE DELLAVERSON HIRSCHFELD  
& KRAEMER, LLP

24 By: \_\_\_\_\_ /s/  
25 Daniel H. Handman  
Amy A. Durgan

26 Attorneys for Defendant  
27 TIME WARNER TELECOM HOLDINGS  
INC.

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IT IS SO ORDERED:

Dated: 27 January 2009

/s/ Dennis L. Beck  
U.S. Magistrate Judge