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14
 15 UNITED STATES DISTRICT COURT
 16 EASTERN DISTRICT OF CALIFORNIA
 17

18 BRYAN C. MCINTIRE, an Individual,
 19 Plaintiff,
 20 vs.
 21 SUNRISE SPECIALTY COMPANY, a
 California Corporation,
 22 Defendant.
 23

Case No. 2:11-CV-02495-LKK-CKD
**PARTIES' STIPULATED MOTION TO
 MODIFY PRETRIAL SCHEDULING
 ORDER AND EXTEND LAW AND
 MOTION AND ORDER**

24 SUNRISE SPECIALTY COMPANY, a
 California Corporation,
 25 Counterclaimant,
 26 vs.
 27 BRYAN C. MCINTIRE, an Individual,
 28 Counterdefendant.

1 hearing took place could the parties file a meaningful and fully informed motion for summary
2 judgment.

3 8. The parties could not “complete” the summary judgment process between
4 October 12, 2012, and November 1, 2012.

5 9. The parties have conferred, and believe it would be beneficial to the case
6 to conduct cross motions for summary judgment. Resolution of key issues of law to which the
7 parties cannot agree would be beneficial. Even if the case would not be resolved outright with
8 resolution of the summary judgment motions, it is likely that the Court’s rulings on the motions
9 would facilitate settlement of the case.

10 10. Additionally, the process would inform the parties of each other’s
11 positions in more concrete terms, likely contributing to movement toward compromise and
12 settlement.

13 11. The law and motion would narrow and refine the legal issues raised by the
14 case, and dispose of those issues that are susceptible to resolution without trial.

15 12. Therefore, there is good cause for extending the Motion Hearings
16 Schedule to accommodate the requested motion process.

17 13. The parties request that they be permitted to: 1) file Motions for Summary
18 Judgment by November 9, 2012; 2) file responses to the other party’s Motion by December 7,
19 2012 (to account for the Thanksgiving Holidays in the interim); and, 3) to file Replies by
20 December 17, 2012. The hearing on the motions will be set for 10:00 a.m. on January 28, 2013,
21 in Courtroom 4, which is available on the Court’s calendar.

22 14. The Notice of Hearing will be served according to Local Rule 230.

23 15. The Final Pretrial Conference is set for February 4, 2013. The ruling on
24 summary judgment might affect pretrial preparations and jury instructions, so it would be
25 prudent to postpone and reset the Final Pretrial Conference to a later date.

26 16. Similarly, the trial date should be postponed to a date after the Final
27 Pretrial Conference.

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