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7
 8 **IN THE UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**

10 JOHN NAVY NOVIKOFF
 11 Plaintiff,

12 v.

13 UNITED STATES OF AMERICA,
 14 Defendant.
 15

CASE NO. 2:11-CV-03023-MCE -EFB

**STIPULATION AND ORDER SETTING
 BRIEFING SCHEDULE FOR
 DEFENDANT'S MOTION FOR
 SUMMARY JUDGMENT**

[Local Rule 143]

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 18 WHEREAS, this Court's Scheduling Order [Dkt. No. 11] requires any motion for summary
 19 judgment to be filed 8 weeks before a hearing, the opposition and any cross-motion to be filed 5
 20 weeks before a hearing, the opposition to any cross-motion and reply regarding the motion to be
 21 filed 3 weeks before a hearing; and any reply regarding the cross-motion to be filed one week before
 22 the hearing date;

23 WHEREAS, Defendant wishes to file a motion for summary judgment on an issue on which
 24 Plaintiff does not wish to cross-move;

25 WHEREAS, the parties have a fundamental disagreement on this issue underlying
 26 Defendant's proposed summary judgment motion, which could be dispositive of the case;

27 WHEREAS, an order from the Court deciding Defendant's motion is likely to aid in
 28 resolution of this case;

1 NOW WHEREFORE, THE PARTIES HEREBY STIPULATE AS FOLLOWS:

2 That Defendant's motion for summary judgment shall be calendared for hearing on August
3 22, 2013;¹

4 That Defendant's motion be briefed on the following schedule:

- 5 • Defendant's Motion and supporting papers: July 18, 2013
- 6 • Plaintiff's Opposition: August 8, 2013;
- 7 • Defendant's Reply: August 15, 2013.

8 Nothing herein is intended to prohibit any party from filing any such motion according to the
9 schedule set forth in the operative Scheduling Order.

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11 Respectfully Submitted,

12 DATED: July 5, 2013

BENJAMIN B. WAGNER
United States Attorney

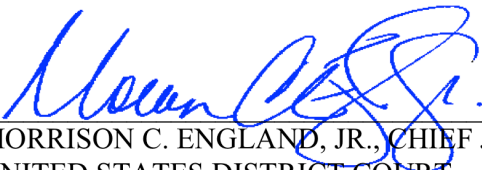
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14 By: /s/ Gregory T. Broderick
15 GREGORY T. BRODERICK
Assistant United States Attorney

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17 DATED: July 5, 2013

/s/ Joseph E. Maloney
Attorney for Plaintiff

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19 **IT IS SO ORDERED.**

20 Dated: July 18, 2013

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22 
23 MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT

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28 ¹ The parties recognize that the Court retains the discretion to submit this matter without argument,
or to continue the hearing to another date.