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 BAYER HEALTHCARE LLC

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

<p>14 LAVON JONES, JR.) 15) Plaintiff,) 16 vs.) 17) 18 BAYER HEALTHCARE, LLC) 19) Defendant.)</p>	<p>Case No. C-03-05531-JSW</p> <p>STIPULATION AND [PROPOSED] ORDER REGARDING SUMMARY JUDGMENT MOTION SCHEDULE</p> <p>DATE: January 26, 2007 TIME: 9:00 a.m. COURTROOM: 2, 17TH Floor</p> <p>Honorable Jeffrey S. White</p>
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21 WHEREAS, plaintiff's opposition to defendant's motion for summary judgment is
 22 currently due on December 1, 2006;
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 24 WHEREAS, defendant's reply thereto is currently due on December 15, 2006;
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 26 WHEREAS, the hearing for the motion for summary judgment is currently set for January
 27 26, 2007;

28 WHEREAS, counsel for plaintiff, Charles Stephen Ralston was required to complete and

1 file the Reply Brief in the Ninth Circuit in the case of Stevens v. County of San Mateo, No. 06-
2 15634, by November 27, 2006, and must complete and file the Opening Brief in the Ninth Circuit
3 in the case of Woods v. Bayer Healthcare, No. 06-16529, by December 4, 2006, and counsel for
4 plaintiff Howard Moore, Jr., was required to complete and file the Reply Brief in the Ninth
5 Circuit in the case of Christian v. Lucille Packard Children's Hospital by November 27, 2006,
6 and is scheduled to begin trial in another case in the Northern District of California during the
7 week of November 27, 2006, they will not be able to complete the review of the extensive record
8 in this case and to complete the opposition to the Motion for Summary Judgment by the current
9 due date.

10 WHEREAS, the stipulated dates set out below will not require any change in the hearing
11 date of January 26, 2007, and are fully consistent with the time requirements of Local Rule 7-3(a)
12 and (c), as well as Local Rule 7-7(d), in that the opposition will be due 42 days before the date of
13 the hearing and the reply thereto 14 days before the date of the hearing;

14 WHEREAS, although plaintiff, on the one hand, and defendant, on the other hand, are
15 collectively adverse, they agree through their respective counsel and stipulate as follows:

- 16 1. Plaintiff's opposition will now be due December 15, 2006; and
- 17 2. Defendant's reply thereto will now be due January 12, 2007.

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20 **IT IS SO STIPULATED.**

21 DATED: November 28, 2006

MOORE & MOORE

22 By: s/Howard Moore, Jr.
23 HOWARD MOORE, JR.
Attorney for Plaintiff
LAVON JONES, JR.

24 DATED: November 28, 2006

25 By: s/Charles Stephen Ralston
26 CHARLES STEPHEN RALSTON
Attorney for Plaintiff
LAVON JONES, JR.

1 DATED: November 28, 2006

PAYNE & FEARS LLP

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By: s/Jerome Schreiberstein
JEROME SCHREIBSTEIN
STEPHEN K. ROBINSON
Attorneys for Defendant
BAYER HEALTHCARE LLC

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IT IS SO ORDERED.

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8 Dated: _____, 2006

Honorable Jeffrey S. White
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA

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