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22 Attorneys for Plaintiff

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24 UNITED STATES DISTRICT COURT
 25 NORTHERN DISTRICT OF CALIFORNIA
 26 SAN FRANCISCO DIVISION

27 JULIE CHATTLER, On Behalf of Herself and)
 28 All Others Similarly Situated,)
)
 29 Plaintiff,)
 30)
 31 v.)
 32)
 33 THE UNITED STATES OF AMERICA and)
 34 THE UNITED STATES DEPARTMENT OF)
 35 STATE,)
 36)
 37 Defendants.)

No. 07-cv-04040 MMC (EMC)
 STIPULATION AND ~~PROPOSED~~
 ORDER EXTENDING TIME TO
 RESPOND TO PLAINTIFF'S AND
 DEFENDANTS' MOTIONS FOR
 SUMMARY JUDGMENT ; ORDER
 CONTINUING HEARING ON MOTIONS
 ACTION FILED: August 7, 2007

1 WHEREAS Plaintiff Julia Chattler filed her partial motion for summary judgment on
2 January 30, 2009, and Defendants United States of America and the United States Department of
3 State filed their motion for summary judgment on January 30, 2009;

4 WHEREAS Plaintiff's and Defendants' respective oppositions to the motions for summary
5 judgment are due on February 13, 2009;

6 WHEREAS Plaintiff's and Defendants' respective replies to the motions for summary
7 judgment are due on February 20, 2009;

8 WHEREAS the hearing on the respective motions for summary judgment is set for Friday,
9 March 6, 2009 at 9:00 a.m.;

10 WHEREAS Plaintiff requests this extension because it is Plaintiff's position that the
11 motions for summary judgment raise a host of complex legal and factual issues, including the
12 application of the doctrine of prudential exhaustion, Defendants' interpretation of relevant
13 regulations and Defendants' liability for refunds to class members, and that the briefings in
14 opposition and in reply will require detailed legal analysis and the use of voluminous evidence;

15 WHEREAS the current briefing schedule will not allow Plaintiff sufficient time to address
16 adequately the factual and legal issues involved;

17 WHEREAS pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule 6.1(b) and
18 6.2, and subject to approval by the Court, the parties stipulate to a one-week enlargement of time
19 on the briefing as described below;

20 WHEREAS the only previous time modifications to the schedule in this case have been, by
21 stipulation and Court order, the re-scheduling of the Initial Case Management Conference from
22 December 7, 2007 to January 18, 2008 at 2:00 p.m.; by Court order, continuing the Initial Case
23 Management Conference from February 15, 2008 to April 11, 2008; and by stipulation and Court
24 order, the shortening of time in the briefing on Plaintiff's Motion to Strike to be heard concurrently
25 with Defendant's motion to dismiss on March 14, 2008 at 9:00 a.m.;

26 WHEREAS this stipulation and order enlarging time will delay the Court's hearing on the
27 motions for summary judgment only by one week, and will have no other impact on the schedule
28 for this case;

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
2 undersigned counsel for Plaintiff and counsel for Defendants, subject to the approval of the Court
3 that:

4 1. The deadline for the oppositions to Plaintiff's motion for partial summary judgment
5 and Defendants' motion for summary judgment is extended one week from February 13, 2009, to
6 February 20, 2009;

7 2. The deadline for the replies to Plaintiff's motion for partial summary judgment and
8 Defendants' motion for summary judgment is extended one week from February 20, 2009, to
9 February 27, 2009; and

10 3. The hearing on the Motions for Summary Judgment is extended one week from
11 March 6, 2009, at 9:00 a.m. to March 13, 2009, at 9:00 a.m.

12
13 DATED: February 6, 2009

HAGENS BERMAN SOBOL SHAPIRO LLP

14
15 /s/ Shana E. Scarlett
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