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 17 **UNITED STATES DISTRICT COURT**  
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 19 **NORTHERN DISTRICT OF CALIFORNIA**  
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21 DAVID CARLETON, an individual,	)	
	)	Case No. CV 07-5924 (JSW)
22 Plaintiff,	)	
	)	<b>STIPULATION AND <del>PROPOSED</del> ORDER</b>
23 v.	)	<b>RE BRIEFING SCHEDULE ON</b>
	)	<b>DISPOSITIVE CROSS-MOTIONS</b>
	)	<hr/>
24 504 GAP, INC. DISABILITY PLANS and	)	
25 THE GAP, INC., in its capacity as Plan	)	
26 Administrator,	)	
	)	
27 Defendants.	)	
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1. This case is an action for disability insurance benefits and related relief under the Employee Retirement Income Security Act, 29 U.S.C. §§ 1001 *et seq.* (“ERISA”).

2. The Court has scheduled a further Case Management Conference for January 9, 2009, and directed that the parties to meet and confer regarding a briefing schedule for dispositive cross-motions to be heard on or before the Case Management Conference on January 9, 2009. At the previous Conference, the Court gave the parties a briefing schedule subject to the parties’ meet and confer discussions and application to the Court.

3. The parties believe that further settlement discussions may resolve the case in the next two weeks. Accordingly, the parties respectfully request and propose the following briefing schedule for the dispositive cross-motions to the Court:

November 7, 2008:	Plaintiff to file motion for summary judgment
November 21, 2008	Defendants to file Opposition and cross-motion for summary judgment
December 5, 2008	Plaintiff to file Reply/Response to cross motion
December 19, 2008	Defendants to file Reply in support of cross-motion
January <del>9</del> <sup>23</sup> , 2009	Hearing / Further Case Management Conference

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/s/ Julian M. Baum  
by\_\_  
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by /s/ Tad A. Devlin  
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**ORDER**

The parties having stipulated as set forth above,

**IT IS SO ORDERED: AS MODIFIED**

DATED: October 27, 2008

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE