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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

TOMMY BAHAMA GROUP, INC.

Plaintiff/Counter-Defendant

VS.

RICHARD SEXTON,

Defendant/Counter-Plaintiff

Case No. C 07-06360-EDL

STIPULATION AND PROPOSED
ORDER RE: SUMMARY JUDGMENT
BRIEFING SCHEDULE

In accordance with Civil Local Rules 6-2 and Rule 7-12, the parties stipulate as follows:

- 1. The parties stipulate and hereby request a modification of the time to file oppositions and replies to Tommy Bahama's motions for summary judgment without moving the hearing date, presently scheduled for November 24, 2009.
- 2. The parties request this modification in order to accommodate the request of Mr. Sexton. Mr. Sexton, who is representing himself in this matter, requires one additional week to file oppositions to Tommy Bahama's motions.
- 3. The parties previously requested a modification to the case management schedule, which the Court granted on August 18, 2009. Although the requested schedule modification will impact the deadline for filing reply briefs, the parties propose to keep all dates on the Court's August 18, 2009 Order Re: Modification of Case Management Schedule, including the current summary

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1	judgment hearing date. As such, the parties request that the Court order the following summary	
2	judgment briefing schedule:	
3	a. Last day for Mr. Sexton to file and serve Oppositions to Motions for Summary	
4	Judgment: <u>11/10/2009</u>	
5	b. Last day for Tommy Bahama to file and serve Replies in Support of Motions for	
6	Summary Judgment: <u>11/17/2009</u>	
7	c. Summary Judgment Hearing Date: <u>11/24/2009</u> 12/1/09	
8	4. To the extent that the Court needs additional time to consider the papers filed by the	
9	parties, the parties are available on December 1, 2009 for hearing on Tommy Bahama's summary	
10	judgment motions.	
11	Dated: November 2, 2009	NYDER MILLER & ORTON, L.L.P.
12		
13	\mathbf{B}_{2}	y: /s/ Peter P. Meringolo
14	↓	Attorneys for Plaintiff Tommy Bahama Group, Inc.
15	5	
16	Dated: November 2, 2009	ICHARD SEXTON
17	7	
18	$\mathbf{B}_{\mathbf{B}}$	y: Richard Sexton
19		In pro per
20		
21	PURSUANT TO STIPULATION, IT IS SO ORDERED Elijah D. Lapate Dated: November 3, 2009	
22	Dated: November $\underline{3}$, 2009	ELIZABETH D. LAPORTE
23		United States Magistrate Judge
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28 Snyder		
Miller & Orton LLP	{00028383.DOC; 1} STIPULATION AND P ROPOSED ORDER R	2 E: SUMMARY JUDGMENT BRIEFING SCHEDULE

Case No. C 07-06360-EDL