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11 Attorneys for Defendants PepsiAmericas, Inc. and
 Pneumo Abex LLC (successor to Pneumo Abex
 12 Corporation)

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 HARRY WHITLOCK, et. al.,

16 Plaintiffs,

17 v.

18 PEPSIAMERICAS; WHITMAN
 19 CORPORATION; PNEUMO ABEX
 CORPORATION; DOES 1-XX,

20 Defendants.
 21

CASE NO. C-08-2742 SI

**STIPULATION AND [PROPOSED]
 ORDER TO AMEND BRIEFING
 SCHEDULE FOR MOTION FOR
 SUMMARY JUDGMENT ON STATUTE
 OF LIMITATIONS GROUNDS**

(Honorable Susan Illston)

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STIPULATION

WHEREAS, Defendants’ motion for summary judgment on statute of limitations grounds is currently due to be filed on September 4, 2009 and the hearing on such motion is scheduled for October 9, 2009;

WHEREAS, based on these deadlines, the parties worked cooperatively to schedule all necessary depositions of plaintiffs prior to the filing deadline;

WHEREAS, despite counsel’s best efforts, three of the scheduled depositions had to be cancelled because either the plaintiff or plaintiff’s counsel was ill;

WHEREAS, due to plaintiffs’ counsel vacation schedules, the parties are unable to find a mutually convenient time to reschedule these depositions before the week of August 31, 2009;

WHEREAS, as a result of having to reschedule these depositions for that week, the parties need additional time for the briefing of the motion for summary judgment on statute of limitations grounds;

WHEREAS, the parties now agree to extend the deadline for the filing of the motion for summary judgment on statute of limitations grounds by one week to September 11, 2009 and the hearing on this motion to October 16, 2009;

THEREFORE, subject to Court approval, the parties STIPULATE that the deadline for Defendants’ motion for summary judgment on statute of limitations ground will be moved from September 4, 2009 to September 11, 2009 and the hearing on this motion will be moved from October 9, 2009 to October 16, 2009. The parties further STIPULATE that plaintiffs’ opposition to this motion will be due on September 25, 2009 and that Defendants’

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