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23 AT&T PENSION BENEFIT PLAN –
24 NONBARGAINED PROGRAM

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26 **UNITED STATES DISTRICT COURT**
27 **NORTHERN DISTRICT OF CALIFORNIA**

28 QUILLER BARNES,

Plaintiff,

vs.

AT&T PENSION BENEFIT PLAN –
NONBARGAINED PROGRAM,

Defendant.

CASE NO. 08-04058 EMC

**JOINT STIPULATION MODIFYING
DISCOVERY DEADLINES AND
EXTENDING CASE MANAGEMENT
CONFERENCE; JOINT REQUEST TO
APPEAR AT CASE MANAGEMENT
CONFERENCE BY TELEPHONE;
[PROPOSED] ORDER (Modified)**

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18 AT&T PENSION BENEFIT PLAN –
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1 Plaintiff Quiller Barnes and Defendant AT&T Pension Benefit Plan – Nonbargained
2 Program (collectively referred to as the “Parties”), acting through their respective counsel of record,
3 hereby stipulate as follows:

4 **EXTENSION OF DISCOVERY DEADLINES**

5 WHEREAS, during the Parties’ telephonic case management conference on June 22, 2012,
6 the Court set a schedule of discovery and motion deadlines in the above-captioned matter;

7 WHEREAS, on August 6, 2012, Plaintiff served his Second Set of Requests for Admissions
8 Directed at Defendant and his Fifth Set of Interrogatories to Defendant; on August 10, 2012,
9 Plaintiff served his Sixth Set of Interrogatories to Defendant; and on August 22, 2012, Defendant
10 agreed to respond to Plaintiff’s Fourth Set of Interrogatories to Defendant regarding Defendant’s
11 affirmative defenses with respect to Plaintiff only;

12 WHEREAS, on August 10, 2012, Defendant served its First Set of Interrogatories to Plaintiff
13 and First Set of Requests for Admissions Directed at Plaintiff;

14 WHEREAS, in responding to some of the Parties’ various discovery requests, it would be
15 useful for the responding Party to consult with their respective experts regarding their responses to
16 discovery;

17 WHEREAS, the Parties therefore require additional time to prepare their written responses
18 to these already-propounded discovery requests, and the Parties’ experts require additional time to
19 prepare their expert reports for their designation;

20 WHEREAS, the Parties met and conferred on September 5, 2012 and on September 6, 2012
21 and agree that it is in the Parties’ and the Court’s interests to extend the schedule of expert discovery
22 deadlines, and agree that the extension of the discovery cut-off date does not enlarge the Parties’
23 right to propound additional discovery requests;

24 **CASE MANAGEMENT CONFERENCE SCHEDULING**

25 WHEREAS, by order dated September 4, 2012, the Court set a case management conference
26 in the above-captioned matter for Friday, November 2, 2012 at 11:30 a.m.;

1 WHEREAS, the Plaintiff's lead counsel will not be available on November 2, 2012, due to a
2 previously planned vacation that cannot be rescheduled, and Defendant's lead counsel will not be
3 available on November 9, 2012, due to conflicting commitments that cannot be rescheduled;

4 WHEREAS, the Parties' counsel are available for a case management conference on
5 November 16, 2012 at 11:30 a.m., and the Parties agree to file an updated Joint Case Management
6 Statement by November 9, 2012;

7 WHEREAS, the Parties both seek to avoid the significant costs associated with counsel's
8 travel to attend the case management conference;

9 WHEREAS, the Parties do not expect that this stipulation to revise the discovery deadlines
10 or this stipulated request for continuance of the case management conference will require any
11 changes in the ADR process or schedule.

12 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES:

13 1. The discovery schedule in the above-captioned matter shall be revised as follows:

	Deadline Previously Set by the Court in the Parties' June 22, 2012 Case Management Conference	Parties' Stipulated Deadline
14		
15		
16		
17	Designation of experts and initial expert disclosures and close of fact discovery	9/10/12 9/24/12
18		
19	Rebuttal expert disclosures	10/10/12 10/22/12
20	Close of expert discovery	11/16/12 11/30/12
21	Motion(s) for summary judgment due	1/9/13 No change
22		
23	Opposition	2/8/13 No change
24	Reply	2/22/13 No change
25	Hearing on Motion(s) for summary judgment	3/8/13 at 1:30 pm No change
26		

27 2. The close of fact discovery shall be extended until September 24, 2012 solely for the
28 purpose of the Parties responding to the outstanding interrogatories and requests for admission listed

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that the Court adopts the Parties' stipulated discovery and motion deadlines as follows:

Designation of experts and initial expert disclosures and close of fact discovery	9/24/12
Rebuttal expert disclosures	10/22/12
Close of expert discovery	11/30/12
Motion(s) for summary judgment due	1/9/13
Opposition	2/8/13
Reply	2/22/13
Hearing on Motion(s) for summary judgment	3/8/13 at 1:30 pm

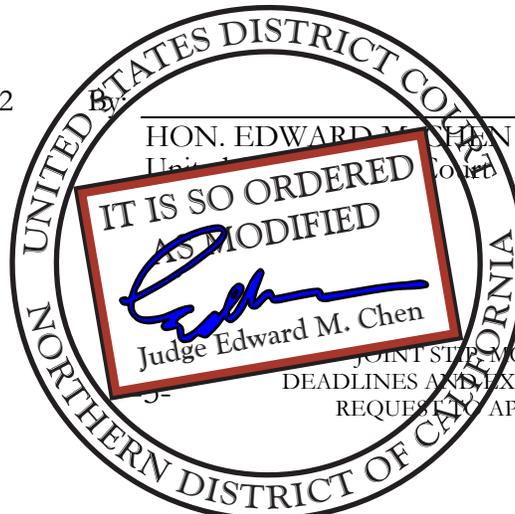
The close of fact discovery shall be extended until September 24, 2012 solely for the purpose of the Parties responding to the outstanding interrogatories and requests for admission listed above in this Stipulation and moving to compel responses to that outstanding discovery. No other deadlines with respect to fact discovery shall be reset and this new discovery schedule does not enlarge the Parties' right to propound additional discovery.

FURTHER, IT IS SO ORDERED that the case management conference in the above-captioned matter is hereby rescheduled from **November 2, 2012** to **November 16, 2012 at 11:30 a.m.** All deadlines associated with that conference are hereby reset, except that the Parties' Joint Case Management Statement still shall be filed by **November 9, 2012**.

FURTHER, IT IS SO APPROVED that counsel for both Parties may appear telephonically at the case management conference. Plaintiff counsel to coordinate conference call and call the Court last at (415) 522-2117 at 11:30 a.m.

IT IS SO ORDERED.

DATED: September 10, 2012



JOINT STIPULATED MODIFYING DISCOVERY DEADLINES AND EXTENDING CMC; JOINT REQUEST TO APPEAR BY TELEPHONE; [PROPOSED] ORDER