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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; [PROPOSED]
ORDER**

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NONBARGAINED PROGRAM

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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, on September 7, 2012, the Parties jointly stipulated to a modified schedule of
6 discovery and motion deadlines in the above-captioned matter, which the Court adopted by Order
7 dated September 10, 2012;

8 WHEREAS, the Parties previously stipulated to September 24, 2012 as the close of fact
9 discovery and the deadline to designate experts and initial expert disclosures;

10 WHEREAS, Plaintiff intends to dismiss Counts III and IV, and because Count IV has been
11 certified as a class action, Plaintiff requires additional time to prepare the necessary documentation to
12 effect the dismissal of Counts III and IV;

13 WHEREAS, the Parties conferred on September 20, 2012 and agree that it is in the Parties’
14 and the Court’s interests to extend the schedule of expert discovery deadlines, and agree that the
15 extension of the discovery cut-off date does not enlarge the Parties’ right to propound additional
16 discovery requests and would further the interests of judicial efficiency and conserve each Party’s
17 resources;

18 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES:

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

	Deadline Previously Set by the Court in its September 10, 2012 Order	Parties’ Stipulated Deadline
20 Designation of experts and initial 21 expert disclosures and close of fact 22 discovery	9/24/12	10/8/12
23 Rebuttal expert disclosures	10/22/12	11/5/12
24 Close of expert discovery	11/30/12	12/14/12
25 Motion(s) for summary judgment 26 due	1/9/13	No change

1 Opposition	2/8/13	No change
2 Reply	2/22/13	No change
3 Hearing on Motion(s) for summary judgment	3/8/13 at 1:30 pm	No change

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5 2. The close of fact discovery shall be extended until October 8, 2012 solely for the
6 purpose of the Parties responding to the outstanding interrogatories and requests for admission listed
7 in the Parties' Joint Stipulation dated September 7, 2012, and moving to compel responses to that
8 outstanding discovery. No other deadlines with respect to fact discovery shall be reset and the
9 extension of these discovery deadlines does not enlarge the Parties' right to propound additional
10 discovery.

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12 DATED: September 24, 2012

By: /s/ R. Joseph Barton
R. JOSEPH BARTON

Attorneys for Plaintiff
Quiller Barnes

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15 DATED: September 24, 2012

By: /s/ Patrick W. Shea
PATRICK W. SHEA

Attorneys for Defendant
AT&T Pension Benefit Plan - Nonbargained Program

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19 **SIGNATURE ATTESTATION**

20 I, Patrick W. Shea, hereby attest that concurrence in the filing of the document has been
21 obtained from the other signatory on this document.

22 DATED: September 24, 2012

PATRICK W. SHEA
PAUL HASTINGS LLP

By: /s/ Patrick W. Shea
PATRICK W. SHEA

Attorneys for Defendant
AT&T Pension Benefit Plan - Nonbargained Program

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[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	10/8/12
Rebuttal expert disclosures	11/5/12
Close of expert discovery	12/14/12
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 October 8, 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.

IT IS SO ORDERED.

DATED: 9/27, 2012

By: _____

HON. EDWARD M. CHEN
United States District Court

