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13 AT&T PENSION BENEFIT PLAN –  
NONBARGAINED PROGRAM  
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15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

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18 QUILLER BARNES,

19 Plaintiff,

20 vs.

21 AT&T PENSION BENEFIT PLAN –  
NONBARGAINED PROGRAM,

22 Defendant.

CASE NO. 08-04058 EMC

**JOINT STIPULATION AND  
[PROPOSED] ORDER MODIFYING  
NOTICED HEARING DATE RE:  
PLAINTIFF’S MOTION RE:  
DISMISSAL OF COUNTS III AND IV;  
CLASS NOTICE; AND  
MODIFICATION OF THE COURT’S  
SUMMARY JUDGMENT ORDER (D.E.  
# 309) WITH RESPECT TO  
ANNUITANT CLASS MEMBERS**

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17 AT&T PENSION BENEFIT PLAN –  
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 WHEREAS, on October 11, 2012, the Court issued an order requiring Plaintiff to file a  
5 motion addressing whether class notice is required for Count III and/or Count IV and whether  
6 dismissal of Count IV is fair reasonable and adequate, Defendant to file an opposition 21 days  
7 thereafter, and Plaintiff to file any reply within 14 days thereafter (D.E. #321);

8 WHEREAS, on November 1, 2012, Plaintiff filed PLAINTIFF’S MOTION RE:  
9 DISMISSAL OF COUNTS III AND IV; CLASS NOTICE; AND MODIFICATION OF THE  
10 COURT’S SUMMARY JUDGMENT ORDER (D.E. # 309) WITH RESPECT TO ANNUITANT  
11 CLASS MEMBERS (D.E. # 323) and noticed a hearing for December 14, 2012, 35 days following  
12 the date the motion was filed;

13 WHEREAS, under the briefing schedule set forth in the October 11, 2012 Order, which the  
14 Parties would like to keep, Defendant’s Response is due on November 22, 2012 and Plaintiff’s Reply  
15 is due on December 6, 2012;

16 WHEREAS, a December 14, 2012 hearing date is less than two weeks after the due date for  
17 Plaintiff’s Reply; and

18 WHEREAS, the earliest available hearing date based on Plaintiff’s Reply due date is  
19 December 21, 2012 and the Parties are available and agree to change Plaintiff’s noticed hearing date  
20 from December 14, 2012 to December 21, 2012.

21 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES:

22 The noticed hearing date for PLAINTIFF’S MOTION RE: DISMISSAL OF COUNTS III  
23 AND IV; CLASS NOTICE; AND MODIFICATION OF THE COURT’S SUMMARY  
24 JUDGMENT ORDER (D.E. # 309) WITH RESPECT TO ANNUITANT CLASS MEMBERS  
25 (D.E. # 323) of December 14, 2012 shall be changed to December 21, 2012.  
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~~[PROPOSED]~~ ORDER

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Defendant shall file an opposition or response to PLAINTIFF'S MOTION RE:  
DISMISSAL OF COUNTS III AND IV; CLASS NOTICE; AND MODIFICATION OF THE  
COURT'S SUMMARY JUDGMENT ORDER (D.E. # 309) WITH RESPECT TO ANNUITANT  
CLASS MEMBERS (D.E. # 323) by no later than November 22, 2012 and Plaintiff shall file any  
Reply by no later than December 6, 2012. Plaintiff's motion shall be heard on December 21, 2012 at  
1:30 p.m. or as soon thereafter as practicable.

DATED: Dec. 13, 2012

