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 12 **UNITED STATES DISTRICT COURT**  
 13 **NORTHERN DISTRICT OF CALIFORNIA**  
 14 **SAN FRANCISCO DIVISION**

15 ELIZABETH H. MATTESON

16 Plaintiff,

17 vs.

18 CONTINENTAL CASUALTY COMPANY,

19 Defendant.

CASE NO. 3:09-CV-0617-BZ

STIPULATION AND [~~PROPOSED~~] ORDER  
 SHORTENING TIME TO NOTICE  
 MOTIONS FOR SUMMARY JUDGMENT  
 AND SETTING A FURTHER BRIEFING  
 SCHEDULE FOR SUMMARY JUDGMENT  
 MOTIONS

Hon. Bernard Zimmerman

Trial Date: February 1, 2010

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 22 Defendant, Continental Casualty Company and plaintiff, Elizabeth H. Matteson, by and  
 23 through their respective counsel of record, hereby stipulate to the following:

24 Whereas, by Order dated July 21, 2009, the Court set certain pre-trial and trial dates in this  
 25 matter;

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STIPULATION AND [PROPOSED] ORDER  
 SHORTENING TIME TO NOTICE MOTIONS  
 FOR SUMMARY JUDGMENT  
 Case No. 3:09-CV-0617-BZ

1           Whereas, by Order dated August 26, 2009, the Court, pursuant to the parties' stipulation,  
2 set new pre-trial dates, but did not change the February 1, 2010 trial date or the January 12, 2010  
3 Pre-Trial date;

4           Whereas, on October 26, 2009, the parties filed a stipulation to continue the last date by  
5 which dispositive motions must be filed to December 23, 2009, or in the alternative to continue all  
6 dates by 21 days, primarily due to defendant's inability to complete the deposition of David  
7 Matteson;

9           Whereas, on October 27, 2009, the Court ordered that the last date to hear dispositive  
10 motions be continued to December 16, 2009, rather than December 23, 2009;

11           Whereas, pursuant to Local Rule 7-2 and 7-3, in order for the parties to notice their  
12 respective motions to be heard on December 16, briefing for the parties' summary judgment  
13 motions would be as follows:

15           Motion(s) for Summary Judgment	November 11, 2009
due:	
16           Opposition(s) due:	November 25, 2009
17           Reply(ies) due:	December 2, 2009;

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19           Whereas, the parties both have conflicts arising from the new date set for hearing  
20 dispositive motions and respectfully request additional time to complete briefing of their  
21 respective motions for summary judgment. The parties' respective conflicts are as follows:

- 23           • Mr. Matteson's further deposition is currently set for November 9, 2009, just two  
24           days prior to when motions for summary judgment motion are due; and
- 25           • counsel for plaintiff has a previously scheduled trial, a mediation and travel plans  
26           between November 11, 2009 and November 25, 2009 that will preclude plaintiff

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1 from having the time and opportunity to properly respond to defendant's motion for  
2 summary judgment under the current schedule.

3 Now, therefore the parties hereby stipulate and agree, subject to the Court's approval, that  
4 the Court enter an order shortening the time for the parties to notice their respective motions for  
5 summary judgment and enter an order setting the following briefing schedule for all motions for  
6 summary judgment:  
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8 Motion(s) for Summary Judgment: November 13, 2009

9 Opposition(s): December 2, 2009

10 Reply(ies): December 9, 2009.

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12 The December 16, 2009 date set by the Court as the last date by which dispositive motions  
13 may be heard would not be changed. No other dates already set by the Court's prior Orders would  
14 be changed.  
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16 Concurrence in the filing of this stipulation has been obtained from plaintiff's counsel,  
17 Corinne Chandler.

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20 Dated: October 28, 2009

WILDMAN, HARROLD, ALLEN & DIXON  
LLP

21  
22 By: /s/ Sean M. Sullivan  
23 Sean M. Sullivan

24 Attorney for Defendant CONTINENTAL  
25 CASUALTY COMPANY  
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1 Dated: October 28, 2009

KANTOR & KANTOR LLP

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3 By: /s/ Corinne Chandler  
4 Corinne Chandler

5 Attorney for Plaintiff ELIZABETH H.  
6 MATTESON  
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**ORDER**

The Court having reviewed the stipulation between Plaintiff and Defendant shortening time to notice motions for summary judgment and setting a further briefing schedule for summary judgment motions:

IT IS HEREBY ORDERED that the Stipulation is approved and the following briefing schedule is set for all motions for summary judgment:

Motion(s) for Summary Judgment: November 13, 2009

Opposition(s): December 2, 2009

Reply(ies): December 9, 2009.

The December 16, 2009 date set by the Court as the last date by which dispositive motions may be heard is not changed. No other dates already set by the Court's prior Orders are hereby changed.

DATED: October 29, 2009



Hon. Bernard Zimmerman  
United States District Court Magistrate Judge

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