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5 Attorneys for Defendant  
 THE VANGUARD GROUP, INC.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

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MAUREEN DWYER SWINDEN,  
 TRUSTEE OF THE THOMAS R.  
 DWYER TRUST,  
 Plaintiff,  
 v.  
 THE VANGUARD GROUP, INC.,  
 Defendant.

Case No. 3:09-cv-03816-SI

**STIPULATION AND [PROPOSED]  
 ORDER ENLARGING TIME FOR  
 DEFENDANT TO FILE A REPLY IN  
 SUPPORT OF ITS MOTION TO DISMISS  
 Civil L.R. 6-2**

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Subject to the Court’s approval, the parties hereby stipulate that the time within which defendant The Vanguard Group, Inc. has to file its reply in support of its Motion to Dismiss is enlarged by one business day. This extension will not change the date of the Motion to Dismiss hearing, currently set for October 9, 2009 or affect the schedule for the case in any other way. Pursuant to Local Rule 7-3, plaintiff’s opposition to defendant’s Motion to Dismiss was due on Friday, September 18, 2009 and defendant’s reply is required to be filed on Friday, September 25, 2009. Due to maintenance on the Court’s Electronic Case Filing system, plaintiff was not able to file and serve her opposition until Monday, September 21, 2009. As her opposition was filed one business day after the filing deadline, plaintiff has agreed to extend defendant the courtesy of filing its reply one day after the filing deadline. Defendant’s reply will now be due on Monday, September 28, 2009. The parties agree that this extension will not prejudice them in any way.

September 23, 2009

/s/ S. Fey Epling  
S. Fey Epling  
Attorney for Defendant  
The Vanguard Group, Inc.

September 23, 2009

/s/ Lawrence Alioto  
Lawrence Alioto  
Attorney for Plaintiff  
Maureen Dwyer Swinden, Trustee

Approved and so ordered:



Susan Illston, U.S.D.J.