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13 Attorneys for Plaintiff
MICHAEL GIOSSO

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16

17 MICHAEL GIOSSO,

18 Plaintiff,

19 vs.

20 OWENS CORNING, and DOES 1 through
21 50, Inclusive,

22 Defendants.
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CASE NO. 3:09-CV-05834-CRB

E-FILING

**STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING THE DEADLINE TO FILE
OWENS CORNING'S MOTION FOR
SUMMARY JUDGMENT AND
CONTINUING HEARING ON MOTION
FOR SUMMARY JUDGMENT [Civil L.R. 6-
2]**

1 Plaintiff Michael Giosso ("Plaintiff") and Defendant Owens Corning Corporation
2 ("Owens Corning"), by and through their respective counsel, enter into the following Stipulation:

3 WHEREAS, at the December 10, 2010 Case Management Conference the Court ordered
4 that Owens Corning file its motion for summary judgment by February 11, 2011, and set the
5 hearing on the motion for March 25, 2011 at 10:00 a.m.;

6 WHEREAS, the Court's Order indicated that discovery should go forward for the purpose
7 of responding to the motion for summary judgment;

8 WHEREAS, on February 4, 2011, plaintiff Michael Giosso took the deposition of Charles
9 Stein, a former employee of defendant Owens Corning, in Denver, Colorado;

10 WHEREAS, after Mr. Stein's deposition concluded on February 4, 2011, plaintiff's
11 counsel advised Owens Corning's counsel that he wished to take the deposition of Harold
12 McCord, another former employee of Owens Corning, as well as the depositions of one or two
13 Owens Corning employees prior to opposing Owens Corning's motion for summary judgment;

14 WHEREAS, Owens Corning does not oppose a short extension -- of no more than six
15 weeks -- as plaintiff's counsel asserts that these depositions are necessary prior to opposing
16 Owens Corning's motion for summary judgment; and

17 WHEREAS, Owens Corning and plaintiff wish to avoid the additional burden and
18 expense associated with a potential request for relief pursuant to Fed. R. Civ. P. 56(d) to conduct
19 additional discovery.

20 NOW, THEREFORE, THE PARTIES HEREBY AGREE AND STIPULATE that the
21 deadline to file a motion for summary judgment is extended to and including March 25, 2011 and
22 that the hearing on the motion for summary judgment is continued to May 6, 2011 at 10:00 a.m.,
23 or another later date that is convenient to the Court.

1 IT IS SO STIPULATED.

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4 Dated: February 10, 2011

Respectfully submitted,

SQUIRE, SANDERS & DEMPSEY (US) LLP

5 By: /s/ Robert J. Guite
6 Robert J. Guite

7 Attorneys for Defendant
8 OWENS CORNING CORPORATION

9 Dated: February 10, 2011

RUEB, MOTTA & MANUOKIAN

10 By: /s/ Joseph A. Motta
11 Joseph A. Motta

12 Attorneys for Plaintiff
13 MICHAEL GIOSSO

14 PURSUANT TO THE PARTIES' STIPULATION AND GOOD CAUSE SHOWN, IT IS
15 HEREBY ORDERED that the deadline to file a motion for summary judgment is extended to and
16 including March 25, 2011, and that the motion for summary judgment hearing is continued to
17 May 6, 2011 at 10:00 a.m.

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20 Dated: February 10, 2011

