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

16 COMERLIS DELANEY,

17 Plaintiff,

18 v.

19 SIMPLEXGRINNELL LP,

20 Defendant.

Case No. 10-cv-5103 MEJ

**STIPULATION AND ~~PROPOSED~~ ORDER
 TO EXTEND TIME TO FILE DEFENDANT
 SIMPLEXGRINNELL LP'S DISPOSITIVE
 MOTION FOR SUMMARY JUDGMENT,
 OR ALTERNATIVELY, PARTIAL
 SUMMARY JUDGMENT TO OCTOBER 7,
 2011**

Complaint Filed: October 12, 2010
 Trial Date: March 12, 2012
 Judge: Hon. Maria-Elena James

24 or

Case No. 10-cv-5103 MEJ

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 STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO FILE DEFENDANT SIMPLEXGRINNELL
 LP'S DISPOSITIVE MOTION FOR SUMMARY JUDGMENT, OR ALTERNATIVELY, PARTIAL SUMMARY
 JUDGMENT TO OCTOBER 7, 2011

1 Plaintiff COMERLIS DELANEY (“Plaintiff” or “Delaney”) and Defendant
2 SIMPLEXGRINNELL LP (“Defendant” or “SimplexGrinnell”) (collectively, the “Parties”), by
3 and through their respective counsel of record, hereby submit this stipulation pursuant to Civil
4 Local Rule 6-2(a), as follows:

5 WHEREAS, Plaintiff Delaney and Defendant SimplexGrinnell are preparing their Joint
6 Statement of Undisputed Facts for filing with the Court pursuant to Civil Local Rule 56-2(b), in
7 conjunction with Defendant’s Motion for Summary Judgment, or Alternatively, Partial Summary
8 Judgment, which is currently due to be filed, served, and noticed by October 6, 2011;

9 WHEREAS, Plaintiff’s counsel and Defendant’s counsel have agreed that in order to
10 complete their Joint Statement of Undisputed Facts, Defendant SimplexGrinnell will have to and
11 including October 7, 2011, to serve, file and notice Defendant SimplexGrinnell’s Motion for
12 Summary Judgment, or Alternatively, Partial Summary Judgment against Plaintiff Delaney;

13 WHEREAS, one previous time modification was requested in this case, extending the
14 discovery cutoff from September 6, 2011, to September 14, 2011, which the Court granted on
15 August 10, 2011;

16 WHEREAS, the Parties’ request to extend the dispositive motion cutoff for Defendant
17 SimplexGrinnell’s filing of its Motion for Summary Judgment or, Alternatively, Partial Summary
18 Judgment by one day from October 6, 2011, to October 7, 2011.

19 WHEREAS, this extension will not affect any other dates set by the Court, including the
20 dates set for Plaintiff’s opposition brief, Defendant’s reply brief or the hearing date set for the
21 Court to hear said motion;

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THEREFORE, the parties request that this Court extend the dispositive motion cutoff to October 7, 2011, for the purpose of the parties completing their Joint Statement of Undisputed Facts.

DATED: October 4, 2011.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By: /s/ Michelle M. Leetham
THOMAS M. McINERNEY
MICHELLE M. LEETHAM

Attorneys for Defendant
SIMPLEXGRINNELL LP

DATED: August 9, 2011.

LAW OFFICE OF ARKADY ITKIN

By: /s/ Arkady Itkin
ARKADY ITKIN

Attorney for Plaintiff COMERLIS DELANEY

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~~PROPOSED~~ ORDER

Based on the foregoing Stipulation of the Parties, and good cause appearing therefor,
IT IS HEREBY ORDERED that:

In order to allow the Parties to complete its Joint Statement of Undisputed Facts in this
action, the dispositive motion cutoff presently set for October 6, 2011, is continued to October 7,
2011.

DATED: October 5, 2011



Maria-Elena James
U.S. District Court Chief Magistrate Judge