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10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN FRANCISCO DIVISION**

12	<b>RICK O. CARTER</b>	)	<b>No. CV 11-01472</b>
13		)	
14	<b>Petitioner,</b>	)	<b>STIPULATED REQUEST FOR</b>
15	<b>v.</b>	)	<b>ORDER CHANGING TIME FOR</b>
16	<b>CALEB BRETT, L.L.C, employer, and</b>	)	<b>HEARING OF MOTION TO DISMISS</b>
17	<b>LIBERTY MUTUAL INSURANCE CO.,</b>	)	<b>AS MODIFIED BY THE COURT</b>
18	<b>carrier,</b>	)	
	<b>Respondents.</b>	)	<b>Judge: Richard Seeborg</b>
		)	<b>Hearing Date: June 1, 2011</b>
		)	<b>Time: 10:30 a.m.</b>

19 The parties present this STIPULATED REQUEST for an Order changing the time set for hearing of  
 20 Respondents' Motion to Dismiss Petition for Entry of Judgment. The Motion has been set for hearing  
 21 June 1, 2011. Under Local Rule 7-3(a), Petitioner's reply to the Motion is due May 11, 2011. The  
 22 parties request that the Court change the hearing date to July 1<sup>4</sup>~~3~~, 2011, with Petitioner's response to the  
 23 Motion due June 22, 2011, pursuant to Rule 7-3(a). This Stipulated Request is made on the following  
 24 grounds:

- 25 1. Counsel for Respondents anticipates that the Fifth Circuit Court of Appeals will issue an Order  
 26 that is likely to affect the Petition herein, and Respondents' Motion, on or before June 1, 2011.
- 27 2. Due to previous commitments, counsel for Petitioner lacks the resources to respond to the  
 28 Motion at the time appointed under Local Rule 7-3(a).

1 3. Lead counsel for Respondents will be on vacation during the second half of June, 2011, and will  
2 be unable to appear for a hearing during that time.

3 4. A Case Management Conference is set for July ~~13~~<sup>14</sup>, 2011. Counsel for Petitioner are located in  
4 San Diego, California and Washington, DC. Lead counsel for Respondents is located in Dallas,  
5 Texas. All counsel will benefit from hearing Respondents' Motion at the same time as the Court  
6 conducts the Case Management Conference.

7 5. There have been no prior time modifications, either by stipulation or by Order.

8 6. Granting of the parties' request would have no effect on the existing schedule, except that  
9 Petitioner's reply to Respondent's Motion would fall due on June 22, 2011, pursuant to Local  
10 Rule 7-3(a). The Case Management Conference would proceed on July ~~13~~<sup>14</sup>, 2011, as scheduled,  
11 with pertinent deadlines unchanged.

12 WHEREFORE, the parties request an Order that Respondents' Motion be heard July ~~13~~<sup>14</sup>, 2011, and that  
13 Petitioner's Opposition to the Motion shall be filed and served not later than June 22, 2011, consistent  
14 with Local Rule 7-3(a). This Stipulation may be signed in counterparts, and a facsimile or electronic  
15 scan of a party's signature shall have the same force and effect as the original.

16 IT IS SO STIPULATED

17  
18 DATED May 4, 2011

/S/  
Eric A. Dupree  
Attorney for Petitioner RICK O. CARTER

19  
20  
21 DATED \_\_\_\_\_, 2011

\_\_\_\_\_  
John R. Walker / Robyn A. Leonard  
Attorneys for Respondents CALEB BRETT,  
LLC and LIBERTY MUTUAL INS. CO.

22  
23  
24  
25 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

26   
27 \_\_\_\_\_  
28 Richard Seeborg, District Judge

5/5/11  
\_\_\_\_\_  
Date