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19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**
 21 **SAN FRANCISCO DIVISION**

23 **RICK O. CARTER,**
 Petitioner

24 vs.

25 **CALEB BRETT, LLC, employer, and**
 26 **LIBERTY MUTUAL INSURANCE CO.,**
 27 carrier,
 28 Respondents.

) No. CV-11-01472

) **STIPULATED REQUEST FOR**
) **ORDER CHANGING DATES FOR**
) **HEARING ON MOTION TO DISMISS &**
) **CASE MANAGEMENT CONFERENCE**

) **Judge: Hon. Richard G. Seeborg**
) **Hearing Date: July 14, 2011**
) **Time: 10:00 a.m.**

STIPULATED REQUEST FOR ORDER CHANGING DATES OF HEARING AND CASE MGT. CONF.
 (CASE NO. CV-11-01472)

1 Pursuant to Local Rule 7.2, the parties present this STIPULATED REQUEST for an Order
2 changing the time set for (1) hearing Respondent's Motion to Dismiss Petition for Entry of
3 Judgment; and (2) the initial Case Management Conference. Both the hearing on Respondent's
4 Motion and the Case Management are presently set for hearing July 14, 2011 at 10:00 am. The
5 parties respectfully request that the Court change the hearing dates for both to July 21, 2011, with
6 Petitioner's response to the Motion due June 30, 2011 pursuant to Rule 7-3(a) and 7-7(d), and any
7 Reply due by July 7, 2011, pursuant to Rule 7-3(c) and 7-7(d). This Stipulated Request is made
8 on the following grounds:


- 9 1. Counsel for Respondents anticipates that the United States Court of Appeals for the Fifth
10 Circuit, in a case involving these same parties, will issue an Order that is likely to affect
11 the Petition herein, and Respondents' Motion, on or before July 1, 2011.
- 12 2. The initial Case Management Conference is presently set for July 14, 2011. Counsel for
13 Petitioner are located in San Diego, California and Washington, DC. Lead counsel for
14 Respondents is located in Houston, Texas.
- 15 3. Lead counsel for Respondents has a scheduling conflict, and is unable to personally appear
16 for a hearing on July 14, 2011.
- 17 4. All counsel will benefit from hearing Respondents' Motion at the same time as the Court
18 conducts the Case Management Conference.
- 19 5. There has been one prior time modifications by stipulation and Order, changing the date
20 for hearing on the Motion to Dismiss to coincide with the presently scheduled July 14,
21 2011 Case Management Conference.
- 22 6. Granting of the parties' request would have no effect on the existing schedule, except that
23 Petitioner's Reply to Respondent's Motion would fall on June 30, 2011, pursuant to Local
24 Rule 7-3(a), and Respondent's Reply would fall on July 7, 2011, pursuant to Local Rule 7-
25 3(c).

1 WHEREFORE, the parties request an Order that: (1) Respondents' Motion to Dismiss be
2 at 1:30 p.m. rescheduled to **July 21, 2011**, and that Petitioner's Opposition to the Motion shall be filed and
3 served no later than June 30, 2011, consistent with Local Rule 7-3(a) and 7-7(d), and that any
4 Reply shall be filed and served no later than July 7, 2011, consistent with Local Rule 7-3(c) and 7-
5 7(d); and (2) the initial Case Management Conference be rescheduled to **July 21, 2011 at 10:00**
6 **am**. This Stipulation may be signed in counterparts, and a facsimile or electronic scan of a party's
7 signature shall have the same force and effect as the original.


1:30 pm

8 IT IS SO STIPULATED

9
10 DATED June 2, 2011


Eric A. Dupree
Attorney for Petitioner
RICK O. CARTER

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14
15 DATED June 3, 2011


John R. Walker
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Robyn A. Leonard
Laughlin, Falbo, Levy & Moresi, LLP

Attorneys for Respondents
CALEB BRETT, LLC and LIBERTY
MUTUAL INSURANCE COMPANY

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22 **PURSUANT TO STIPULATION, IT IS SO ORDERED ***

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6/3/11

25 Richard G. Seeborg, District Judge Date
26 * The briefing schedule is approved as stipulated. The stipulation correctly describes
27 the operation of the *former* local rules that apply here given the original filing date of
28 the motion. The parties are advised, however, that briefing on any future motions is
governed by the revised rules effective 6/2/2011