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13 Attorneys for Plaintiff  
 14 JUAN HUERTA

15 UNITED STATES DISTRICT COURT  
 16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

18 JUAN HUERTA,  
 19 Plaintiff,

20 v.

21 AT&T UMBRELLA BENEFIT PLAN NO. 1  
 22 Defendant.  
 23

Case No.: C11-01673 (JCS)

**STIPULATION AND [PROPOSED]  
 ORDER ON BRIEFING SCHEDULE**

Complaint Filed: April 6, 2011

24  
 25 WHEREAS the Court's Civil Minute Order was filed in this action on April 6, 2012,  
 26 ordering Plaintiff Juan Huerta ("Plaintiff") and Defendant AT&T Umbrella Benefit Plan No. 1  
 27 ("Defendant") (collectively, the "Parties") to meet and confer and submit a stipulated briefing  
 28

1 schedule on the Motions for Summary Judgment<sup>1</sup>;

2 WHEREAS the Parties have met and conferred and stipulate to the following briefing  
3 schedule for dispositive motions:

- 4 1. June 1, 2012: Last day for Parties to file dispositive motion;
- 5 2. June 22, 2012: Last day for Parties to file Opposition to dispositive  
6 motion;
- 7 3. July 13, 2012: Last day for Parties to file Reply in support of  
8 dispositive motion;
- 9 4. August 10, 2012: Hearing on Motions.

10 **IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES:**

11 The briefing schedule on the dispositive motions shall be as follows:

- 12 1. June 1, 2012: Last day for Parties to file dispositive motion;
- 13 2. June 22, 2012: Last day for Parties to file Opposition to dispositive  
14 motion;
- 15 3. July 13, 2012: Last day for Parties to file Reply in support of  
16 dispositive motion;
- 17 4. August 10, 2012: Hearing on Motions.

18 Respectfully submitted,

19  
20 DATED: May 2, 2012

BOLT · KEENLEY - ATTORNEYS AT LAW

21  
22 By: /s/ James P. Keenley  
23 James P. Keenley  
24 Attorneys for Plaintiff  
25

26  
27 <sup>1</sup> Plaintiff intends to file a Motion for Judgment under Federal Rules of Civil Procedure Rule 52, rather than a  
28 Motion for Summary Judgment. Defendant objects to Plaintiff filing a Motion for Judgment under this briefing  
schedule, as the Court's April 23, 2012 Further Case Management and Pretrial Order specifically contemplated that  
the Parties agree upon a briefing schedule on "motions for summary judgment." Defendant does not object to  
Plaintiff filing a motion under Rule 52 after the motions for summary judgment are decided, if necessary.

1 Dated: May 2, 2012

LAFAYETTE & KUMAGAI LLP

2  
3 By: /s/ Rebecca K. Kimura  
4 REBECCA K. KIMURA  
5 Attorneys for Defendant  
6 AT&T UMBRELLA BENEFIT PLAN NO. 1

7 **[PROPOSED] ORDER**

8 Pursuant to the Stipulation above, the briefing schedule on the Motion for Summary  
9 Judgment shall be as follows:

- 10 1. June 1, 2012: Last day for Parties to file dispositive motion;  
11 2. June 22, 2012: Last day for Parties to file Opposition to dispositive  
12 motion;  
13 3. July 13, 2012: Last day for Parties to file Reply in support of  
14 4. August 10, 2012: Hearing on Motions.

15  
16 IT IS SO ORDERED.

17  
18 Dated: 5/3/12

19   
20 HON. JOSEPH C. SPERO  
21 United States Magistrate Judge

22 **CERTIFICATE OF SERVICE**

23 I certify that a copy of this document was served electronically on May 2, 2012, on  
24 counsel of record in compliance with Federal Rule 5, Local Rule 5.6 and General Order 45, by  
25 use of the Court's ECF system.

26  
27 /s/ Rebecca K. Kimura  
28 REBECCA K. KIMURA