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25 Attorneys for Plaintiff/Relator  
 26 GARY SIEBERT

27 UNITED STATES DISTRICT COURT  
 28 NORTHERN DISTRICT OF CALIFORNIA

29 UNITED STATES OF AMERICA ex rel. GARY  
 30 SIEBERT,  
 31 Plaintiff,  
 32 v.  
 33 GENE SECURITY NETWORK, INC.,  
 34 Defendant.

Case No. 3:11-cv-01987-JST

**STIPULATION TO EXTEND TIME FOR  
 BRIEFING ON PLAINTIFF'S MOTION  
 FOR SUMMARY JUDGMENT**

Date: September 4, 2013  
 Time: 2:00 P.M.  
 Judge: The Honorable Jon S. Tigar  
 Location: Courtroom 9  
 450 Golden Gate Avenue  
 San Francisco, California 94102

1  
2 The undersigned counsel of record of the respective parties in the above-entitled action hereby  
3 stipulate pursuant to Civil Local Rule 6-1 as follows:

4 1. On July 2, 2014, Plaintiff filed a motion for summary judgment with an August 7, 2014  
5 hearing date (Dkt. No. 83).

6 2. On July 3, 2014, by Clerk's Notice, the Court continued the hearing date of the motion for  
7 summary judgment to September 4, 2014.

8 3. Pursuant to Civil Local Rule 7-3, Defendant's opposition to the pending motion for summary  
9 judgment is currently due not later than July 16, 2014, and Plaintiff's reply in support of the motion is  
10 currently due July 23, 2014.

11 4. Defendant has recently retained new counsel – Foley Hoag LLP – to act as its lead trial  
12 counsel in this case. Defendant's new counsel will prepare its opposition to the pending motion for  
13 summary judgment and may also file a cross-motion for summary judgment on behalf of Defendant.

14 5. Given the time required for Defendant's new counsel to become familiar with the proceedings  
15 and evidence in this matter, Defendant and Plaintiff agreed that Defendant could have an extension of  
16 time until August 7 to file its opposition to the pending motion for summary judgment and Plaintiff  
17 could have an extension of time until August 21 to file his reply in support of the pending motion for  
18 summary judgment. The parties agreed to make no change to the current hearing date of September  
19 4, 2014.

20 6. If Defendant files a cross-motion for summary judgment, the parties have agreed that  
21 Defendant's moving papers would be filed not later than August 7, 2014; Plaintiff's opposition to the  
22 cross-motion (and supporting papers) would be filed not later than August 21, 2014; and Defendant's  
23 reply in support of the cross-motion would be filed not later than August 28, 2014. The hearing on  
24 the cross-motion for summary judgment, if one is filed, would be September 4, 2014.

1 7. No other time modifications have been requested regarding this motion. The parties  
2 previously filed stipulations to extend the briefing schedule and continue the hearing on Defendant's  
3 motion to dismiss Plaintiff's first amended complaint (ECF Nos. 30 & 32).

4 8. The parties agree that there will be no prejudice to either party as a result of this action and  
5 that the time modification requested in this stipulation should have no effect on the schedule for this  
6 case beyond the briefing dates noted above.

7  
8  
9 Dated: July 9, 2014

THE JAFFE LAW FIRM

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11 \_\_\_\_\_ /s/

Stephen R. Jaffe (SBN 49539)  
Bailey K. Bifoss (SBN 278392)

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13 Attorneys for Plaintiff/Relator, GARY SIEBERT  
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15  
16 Dated: July 9, 2014

MINTZ LEVIN COHN FERRIS GLOVSKY  
and POPEO PC

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18 \_\_\_\_\_ /s/

Evan S. Nadel (SBN 213230)

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20 Attorneys for Defendant, GENE SECURITY  
21 NETWORK, INC.  
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1 PROPOSED ORDER

2 Based on the parties' stipulation and for good cause shown, IT IS HEREBY ORDERED as  
3 follows:

4 The Court will GRANT the parties an amended briefing schedule for the hearing on  
5 Plaintiff's Motion for Summary Judgment. Opposition papers, if any, shall be filed not later than  
6 August 7, 2014. Reply papers, if any, shall be filed not later than August 21, 2014. The hearing shall  
7 remain on September 4, 2014 at 2:00 p.m.

8  
9 In the event Defendant files a cross-motion for summary judgment, Defendant's moving  
10 papers shall be filed not later than July 31, 2014; Plaintiff's opposition to the cross-motion (and  
11 supporting papers) shall be filed not later than August 14, 2014; and Defendant's reply in support of  
12 the cross-motion shall be filed not than August 21, 2014. If Defendant files a cross-motion for  
13 summary judgment, it will be heard on September 4, 2014 at 2:00 p.m.

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15  
16 **IT IS SO ORDERED.**

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19 Date: July 10, 2014



