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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERNEST TARASOVSKY,
Plaintiff,

No. C 11-03359 WHA

v.

FINAL PRETRIAL ORDER

STRATIFY, INC. GROUP SHORT TERM
DISABILITY PLAN AND LONG TERM
DISABILITY PLAN, et al.,
Defendants.

FOR GOOD CAUSE and after a final pretrial conference, the Court issues the following final pretrial order:

1. In lieu of a live bench trial, the parties agree that the matter will be tried based on written briefing and a documentary trial record submitted by the parties. The prior trial date of January 7 is accordingly **VACATED**.
2. The parties shall prepare a stipulated, joint appendix of exhibits and recorded testimony. This joint appendix, together with the administrative record already lodged with the Court, shall constitute the complete the trial record. The parties have **WAIVED** all evidentiary objections of any type to the trial record.
3. Plaintiff’s trial brief, the joint appendix, and defendants’ opening brief amended to contain correct cites to the trial record shall be submitted by **JANUARY 3 AT NOON**. The parties may file rebuttal briefs no longer than five pages in length by **JANUARY 17 AT NOON**.

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4. Following submission of the parties' rebuttal briefs, the matter shall be considered fully submitted on the papers.

IT IS SO ORDERED.

Dated: December 18, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE