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Attorneys for Defendant
 FRANKLIN RESOURCES, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

JOHN SENDER,

Plaintiff,

v.

FRANKLIN RESOURCES, INC. and DOES
 1-15,

Defendants.

CASE NO. 11-cv-3828 EMC

**STIPULATION AND [PROPOSED] ORDER
 PERMITTING DEPOSITION OF NICOLE
 SMITH ON JUNE 3, 2016**

WHEREAS, on April 8, 2016, the Court entered a “Second Stipulation and Order Extending Discovery Deadlines,” amending the previously ordered discovery deadlines such that the non-expert discovery deadline is currently May 31, 2016 (ECF No. 219);

WHEREAS, the parties have scheduled several depositions throughout the month of May, including depositions in other states, in order to complete fact discovery by May 31, 2016;

WHEREAS, a third party witness, Nicole Smith, who has been unavailable for deposition in recent weeks due to the illness and recent passing of her mother, and who scheduled a pre-paid vacation

1 for the latter part of May after her mother passed away, has requested that her deposition be taken on
2 her next day off after returning from vacation, which is June 3, 2016, three days after the fact discovery
3 cutoff;

4 WHEREAS the parties would like to accommodate Ms. Smith's request, if the Court will allow
5 her deposition to be taken on June 3, 2016; and

6 WHEREAS, the parties are not requesting any extension of the May 31, 2016 fact discovery
7 cutoff, apart from this one deposition, or an extension of any other dates set by the Court's prior
8 scheduling orders, and do not believe that this one deposition on June 3, 2016 will otherwise affect the
9 present pre-trial schedule;

10 THEREFORE, good cause existing, IT IS HEREBY STIPULATED AND AGREED, by and
11 between the Parties hereto, through their counsel of record, that they jointly and respectfully request a
12 small modification of the deadline for fact discovery of May 31, 2016 to allow the deposition of third
13 party witness Nicole Smith to be taken on June 3, 2016 to accommodate the request of Ms. Smith, with
14 the fact discovery deadline of May 31, 2016 and all other dates set by the Court's prior scheduling
15 orders being otherwise unchanged.

16 Dated: May 3, 2016

17 CERA LLP

GIBSON, DUNN & CRUTCHER LLP

18
19 By: /s/
Solomon B. Cera

By: /s/
Steven J. Johnson

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27 By: /s/
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*Attorneys for Defendant
Franklin Resources, Inc.*

I attest that I have obtained Mr. Cera's and Mr. Huss's concurrence in the filing of this document.

1 ~~[PROPOSED]~~ ORDER

2 PURSUANT TO STIPULATION, and good cause appearing, the current discovery deadline
3 for fact discovery of May 31, 2016 is modified to allow the deposition of third party witness Nicole
4 Smiths to be taken on June 3, 2016 at the request of Ms. Smith, and is otherwise unchanged. All
5 other dates established by the Court's prior scheduling orders are unchanged.

6 IT IS SO ORDERED.

7
8 Dated: 5/4/2016 _____

