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11 Attorneys for Plaintiff

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 13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 JOHN SENDER,)	Case No.: 11-cv-3828 EMC
)	AMENDED
16 Plaintiff,)	<u>STIPULATION AND [PROPOSED] ORDER TO CONTINUE CERTAIN PRETRIAL DATES IN LIGHT OF NOTICE OF SETTLEMENT CONFERENCE AND SETTLEMENT CONFERENCE ORDER</u>
17 v.)	
18 FRANKLIN RESOURCES, INC., and)	
19 DOES 1-15,)	
20 Defendants.)	

22 WHEREAS the parties to this litigation have been working diligently and cooperatively
 23 to accomplish the multitude of pretrial tasks as set forth in the First Amended Case Management
 24 and Pretrial Order for Jury Trial (ECF No. 146) as modified by subsequent stipulations and
 25 orders extending certain of the deadlines (ECF Nos. 178, 219);

26 WHEREAS on June 7, 2016, the Court ordered the parties to participate in a settlement
 27 conference with Chief Magistrate Judge Spero on June 13, 2016 beginning at 9:30 a.m.; and
 28

1 WHEREAS by its Notice of Settlement Conference and Settlement Conference Order
2 (ECF No. 231) (the “Settlement Conference Order”) Chief Magistrate Judge Spero has ordered
3 all parties and lead trial counsel to appear at the June 13 settlement conference and the parties to
4 submit Settlement Conference Statements by 12:30 p.m. on June 10, 2016; and

5 WHEREAS to allow for the parties to comply with the order for the settlement
6 conference so that a meaningful settlement conference may be conducted they will be required to
7 spend significant time between the date and time of this Stipulation and the settlement
8 conference to prepare their submissions to the Chief Magistrate Judge, to consult with their
9 respective clients concerning the matters required to be addressed by the parties in response to
10 the Settlement Conference Order from Magistrate Judge Spero and otherwise prepare for the
11 settlement conference, and for certain of the required participants to travel from out of state to
12 participate in the settlement conference; and

13 WHEREAS the parties believe that the time required to prepare for and participate in the
14 settlement conference will make it difficult for them to complete certain pretrial tasks in the
15 timeframes previously ordered by the Court; and

16 WHEREAS the parties have met and conferred regarding the foregoing and agree that
17 under the circumstances there is good cause to request a short extension of certain of the pretrial
18 deadlines in light of the developments associated with the court-ordered settlement conference,
19 so that the parties can focus on settlement efforts over the next several days; and

20 WHEREAS the parties are not requesting any continuance of the August 15, 2016 trial
21 date or July 19, 2016 pre-trial conference set forth in the Court’s October 19, 2015 First
22 Amended Case Management and Pretrial Order (ECF No. 146);

23 THEREFORE, good cause existing, IT IS HEREBY STIPULATED AND AGREED, by
24 and between the parties hereto, through their counsel of record, that they jointly request a
25 modification of certain pretrial deadlines, and respectfully request the Court to adopt the
26 following new deadlines:

- 27 1. The Parties respectfully request that the deadline for completion of expert
28 discovery be extended from June 24, 2016 to July 1, 2016;

1 2. The Parties respectfully request that the deadline for the filing of motions *in*
2 *limine* be extended from June 17, 2016 to June 21, 2016;

3 3. The Parties respectfully request that the deadline to oppose motions *in limine* be
4 extended from June 24, 2016 to June 28, 2016; and

5 4. The Parties respectfully request that the deadline to submit the pretrial conference
6 statement and related documents be extended from June 28, 2016 to July 5, 2016.

7 Dated: June 8, 2016

CERA LLP

8 By: /s/Solomon B. Cera

9 Solomon B. Cera

10 – and –

11 Dated: June 8, 2016

SHAPIRO SHER GUINOT & SANDLER, P.A.

12 By: /s/Paul M. Sandler

13 Paul M. Sandler (Admitted *Pro Hac Vice*)

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17 Attorneys for Plaintiff

18 GIBSON, DUNN & CRUTCHER LLP

19 Dated: June 8, 2016

20 By: /s/Steven J. Johnson

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26 TRUCKER+HUSS

27 Dated: June 8, 2016

28 By: /s/R. Bradford Huss

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Attorneys for Defendant

Franklin Resources, Inc.

1 I attest that I have obtained Mr. Johnson's, Mr. Huss's, and Mr. Sandler's concurrence in
2 the filing of this document.

3 **[PROPOSED ORDER]**

4 PURSUANT TO STIPULATION, the following deadlines are extended as indicated: (1)
5 the date to complete expert discovery is extended from June 24, 2016 to July 1, 2016; (2) the
6 date for filing of motions *in limine* is extended from June 17, 2016 to June 21, 2016; (3) the date
7 to file oppositions to motions *in limine* is extended from June 24, 2016 to June 28, 2016; and (4)
8 the date for submission of the pretrial conference statement and related documents is extended
9 from June 28, 2016 to ~~July 5, 2016~~ June 30, 2016. Motions in limine shall be
10 limited to 5 per side.

11 IT IS SO ORDERED.

12 Dated: June 10, 2016

