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 21 ODYSSEY THERA, INC.

22 **UNITED STATES DISTRICT COURT**
 23 **NORTHERN DISTRICT OF CALIFORNIA**
 24 **OAKLAND DIVISION**

25 VALLEY FORGE INSURANCE
 26 COMPANY and CONTINENTAL
 27 CASUALTY COMPANY,

28 Plaintiffs,

v.

ODYSSEY THERA, INC.,

Defendant.

CASE NO. C12-00227

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING BRIEFING
 AND HEARING SCHEDULE FOR
 CROSS-MOTIONS FOR SUMMARY
 JUDGMENT AS MODIFIED**

**~~DECLARATION OF RAYMOND H.
 SHEEN~~**

1 ODYSSEY THERA, INC.,
2
3 Cross-Claimant,
4
5 v.
6 VALLEY FORGE INSURANCE
7 COMPANY, CONTINENTAL CASUALTY
8 COMPANY, and SCOTTSDALE
9 INSURANCE COMPANY,
10
11 Cross-Defendants.

12 Pursuant to Local Rules 6-1, 6-2 and 7-12 of this Court, Plaintiffs VALLEY FORGE
13 INSURANCE COMPANY and CONTINENTAL CASUALTY COMPANY (collectively,
14 “Plaintiffs”) and Defendant ODYSSEY THERA, INC. (“Odyssey”) hereby stipulate as follows:

- 15 1. On June 8, 2012, Plaintiffs filed a Summary Judgment Motion (“Plaintiffs’
16 Motion”) with a hearing date of July 27, 2012.
- 17 2. Odyssey’s Opposition to Plaintiffs’ Motion is due on June 22, 2012. Plaintiffs’
18 Reply re Plaintiffs’ Motion is due on June 29, 2012.
- 19 3. On June 11, 2012, the Court notified the parties that the hearing on Plaintiffs’
20 Motion was continued from July 27, 2012 to August 31, 2012, but the briefing schedule remained
21 unchanged.
- 22 4. Odyssey intends to file a Cross-Motion for Partial Summary Judgment (“Odyssey’s
23 Motion”) against Plaintiffs. As set forth in the attached Declaration of Raymond Sheen (“Sheen
24 Declaration”), the issues raised in Odyssey’s Motion will overlap significantly with the issues
25 raised in Plaintiffs’ Motion.
- 26 5. To streamline the briefing of the Cross-Motions, and reduce the overall number of
27 briefs submitted to the Court, the Parties seek to extend and coordinate the briefing schedules and
28 hearings for Plaintiffs’ Motion and Odyssey’s Motion for the reasons set forth in the Sheen
Declaration.
6. The Parties believe that the requested time modification will not have any effect or
impact on the schedule for the case or the hearing on the two motions. The parties do not seek to

1 extend the present hearing date of August 31, 2012.

2 THEREFORE the parties stipulate to and request the Court's approval of the following
3 briefing and hearing schedule in connection with Plaintiffs' Motion and Odyssey's Motion:

4	Odyssey's Filing of Combined (a) Opposition to Plaintiffs' Motion; and (b) Odyssey's Motion	July 20, 2012
5		
6	Plaintiffs' Filing of Combined (a) Reply re Plaintiffs' Motion; and (b) Opposition to Odyssey's Motion	August 3, 2012
7		
8		
9	Odyssey's Filing of Reply Brief re Odyssey's Motion	August 10, 2012
10		
11	Hearing on Plaintiffs' Motion and Odyssey's Motion	August 31, 2012

12 **IT IS SO AGREED.**

13
14 Dated: June 12, 2012

COLLIAU ELENIOUS MURPHY
CARLUCCIO KEENER & MORROW

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16 By: /s/ Robert C. Christensen
Robert C. Christensen

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Attorneys for Plaintiffs
VALLEY FORGE INSURANCE
COMPANY and CONTINENTAL
CASUALTY COMPANY

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20 Dated: June 12, 2012

JONES DAY

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22 By: /s/ Raymond H. Sheen
Raymond H. Sheen

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Attorneys for Defendant and Cross-Claimant
ODYSSEY THERA, INC.

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The case management conference is CONTINUED from August 31, 2012 to October 5, 2012 at 1:30 pm.

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 DATED: June 13, 2012

27 
THE HONORABLE JEFFREY S. WHITE
U.S. DISTRICT COURT JUDGE

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