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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

13 PATRICK CALDWELL, FRAN  
14 CHARLSON, DOUGLAS EBERSOLE,  
and CARY QUEEN,

15 Plaintiffs,

16 vs.

17 FACET RETIREE MEDICAL PLAN, and  
18 TIMOTHY RICHMOND, AS PLAN  
19 ADMINISTRATOR OF THE FACET  
RETIREE MEDICAL PLAN

20 Defendant.

Case No. C13-0385 MMC

**STIPULATION AND [PROPOSED]  
ORDER TO MODIFY LITIGATION  
SCHEDULE ; ORDER APPROVING  
STIPULATION**

Date Action Filed: January 28, 2013

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23 WHEREAS, on May 10, 2013, this Court entered a Case Management Order in this  
24 action setting the following schedule:

25	Discovery Cut-Off	09/06/2013
26	Plaintiffs to File Motion for Judgment	11/01/2013
27	Defendants to File Cross-Motion and Opposition	11/22/2013
28	Plaintiffs to File Opposition and Reply	12/6/2013

STIPULATION AND PROPOSED ORDER TO  
MODIFY LITIGATION SCHEDULE

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C13-0385 MMC

Hearing on Cross-Motions for Judgment 12/20/2013;

WHEREAS, by order dated June 11, 2013, the Court established a deadline for completion of Alternative Dispute Resolution (“ADR”) of September 9, 2013;

WHEREAS, travel and other limitations on availability for deposition and attendance at the ADR session makes the current litigation schedule unrealistic for all parties;

WHEREAS, this is the parties’ first request for a change in the litigation schedule;

NOW, THEREFORE, it is stipulated by and between the parties through their counsel, and the Court is respectfully requested to order, that the litigation schedule shall be modified as follows:

Discovery Cut-Off (other than for depositions, follow-up discovery based on deposition testimony, and subpoenas to third-party providers of medical coverage for Plaintiffs)	09/06/2013
Deadline to Complete ADR	10/31/2013
Discovery Cut-Off (solely for depositions, follow-up discovery based on deposition testimony, and subpoenas to third-party providers of medical coverage for Plaintiffs)	11/12/2013
Deadline to file Motions to Compel	11/19/2013
Plaintiffs to File Motion for Judgment	01/10/2014
Defendants to File Cross-Motion and Opposition	01/31/2014
Plaintiffs to Opposition and Reply	02/14/2014
Hearing on Cross-Motions for Judgment	03/07/2014

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1 Dated: August 30, 2013

WINSTON & STRAWN LLP

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4 By: /s/ Joseph J. Torres

Jeffrey S. Bosley  
Joseph J. Torres (admitted *pro hac vice*)  
Caroline L. Camic (admitted *pro hac vice*)

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7 Attorneys for Defendants  
8 FACET RETIREE MEDICAL PLAN and  
9 TIMOTHY RICHMOND AS PLAN  
10 ADMINISTRATOR OF THE FACET  
11 RETIREE MEDICAL PLAN

11 Dated: August 30, 2013

LEWIS, FEINBERG, LEE, RENAHER &  
JACKSON, P.C.

13 By: /s/ Margaret Hasselman

Margaret Hasselman  
Daniel Feinberg

15 Attorneys for Plaintiffs  
16 PATRICK CALDWELL, FRAN CHARLSON,  
17 DOUGLAS EBERSOLE and CARY QUEEN

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~~PROPOSED~~ ORDER

Pursuant to the stipulation of the parties and for good cause appearing,

**IT IS SO ORDERED.**

Dated: ~~August 30, 2013~~  
September 4, 2013

  
HONORABLE MAXINE M. CHESNEY  
UNITED STATES DISTRICT JUDGE

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