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

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

No. C 13-00385 WHA

Plaintiffs,

v.

**ORDER DENYING  
DEFENDANTS' MOTION TO  
STAY BRIEFING SCHEDULE**

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

Defendants.

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In this ERISA action inherited from Judge Maxine Chesney, defendants move to stay the briefing schedule on plaintiffs' motion for judgment because of a discovery dispute currently pending before Magistrate Judge Elizabeth Laporte.

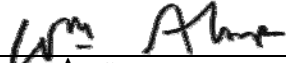
The Court will allow the briefing schedule on the anticipated cross-motions for judgment to continue as outlined by Judge Chesney's prior order (Dkt. No. 33). Local Rule 7-7(d). Thus, defendant's motion to stay the briefing schedule is **DENIED**. If plaintiffs also wish to stay the briefing schedule, both parties may file a joint stipulation to stay the briefing schedule. As plaintiffs have re-noticed their motion, defendants' opposition is due by January 31, 2014, and plaintiffs' reply is due by February 14, 2014 (Dkt. No. 61). The motion hearing will be held on **MARCH 13, 2014, AT 8:00A.M.**

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Nothing in this scheduling order is intended to interfere with the discovery proceedings currently pending before Judge Laporte or amend the previous order assigning all discovery disputes to Judge Laporte.

**IT IS SO ORDERED.**

Dated: January 28, 2014.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE