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7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

10 JENNIFER K. LOVETT,
 11 Plaintiff,

12 vs.

13 OMNI HOTELS & RESORTS, OMNI
 14 HOTELS MANAGEMENT
 CORPORATION, and DOES ONE through
 15 ONE HUNDRED
 16 Defendants.

CASE NO. 3:14-CV-02844-RS

**STIPULATION AND ~~[PROPOSED]~~
 ORDER EXTENDING PLAINTIFF
 JENNIFER LOVETT'S TIME TO
 RESPOND TO OMNI'S MOTION FOR
 SUMMARY JUDGMENT [DKT NO. 59]**

17 Pursuant to Civil Local Rule 7-12, Plaintiff Jennifer K. Lovett ("Plaintiff") and Defendant
 18 Omni Hotels Management Corporation ("Omni"), by and through their respective counsel of
 19 record, hereby stipulate as follows:

20 WHEREAS, on July 2, 2015, Defendant Omni filed a Motion for Summary Judgment;

21 WHEREAS, on July 10, 2015, the Court issued a Scheduling Order, establishing the
 22 following dates for Omni's Motion for Summary Judgment: (1) the hearing is set for October 15,
 23 2015; (2) Plaintiff's opposition brief is due on September 4, 2015; and (3) Omni's reply brief is
 24 due on September 25, 2015;

25 WHEREAS, on July 17, 2015, the Court issued an Order continuing the hearing date on
 26 Omni's Motion for Summary Judgment to October 22, 2015;

1 WHEREAS, the Rule 30(b)(6) deposition of Paul Kesinger (“Kesinger”) was taken on
2 August 13, 2015;

3 WHEREAS, on August 19, 2015, Omni filed a Motion for Protective Order Regarding
4 Deposition of Jeff Smith;

5 WHEREAS, on August 21, 2015, Plaintiff filed a Motion to Compel: (1) Deposition of Jeff
6 Smith; and (2) Answers to Prior Deposition Questions About Post-Incident Warnings to the
7 Injury-Producing Product;

8 WHEREAS, on August 26, 2015, Magistrate Kim issued an Order Re Parties’ Joint
9 Discovery Letter, Granting In Part And Denying In Part the parties’ cross-motions, which stated,
10 as relevant, among other things, that Omni shall produce Mr. Smith for deposition in the afternoon
11 of August 31, 2015 or at any time to which the parties stipulate, and that Plaintiff may question
12 Mr. Smith regarding the subjects set forth in the prior deposition of Mr. Kesinger, as well as:

13 (1) the analysis conducted in order to assess the risks and benefits associated with inclusion of the
14 SPRI Xering bands in the Get Fit Kit; and (2) the considerations and content of any risk/benefit
15 analysis for the SPRI Xering bands provided in the Get Fit Kit to Omni patrons;

16 WHEREAS, on August 30, 2015, Defendant Omni advised Plaintiff that Mr. Smith could
17 not appear for deposition on August 31, 2015 because his wife underwent emergency surgery and
18 was in the hospital;

19 WHEREAS, the parties met and conferred about rescheduling the deposition of Mr. Smith
20 and have agreed that he will be deposed on September 4, 2015, i.e., the same date Plaintiff’s
21 opposition to Omni’s Motion for Summary Judgment is due;

22 WHEREAS, no other extensions of the briefing schedule on Omni’s Motion for Summary
23 Judgment have been requested since the Court established the schedule on July 10, 2015;

24 In light of the foregoing, IT IS THEREFORE STIPULATED as follows:

25 1. The deadline for Plaintiff to file her opposition to Omni’s Motion for Summary
26 Judgment is extended by one week - from September 4, 2015 to September 11, 2015;

27 2. The deadline for Omni to file its reply brief shall remain unchanged;

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3. The current hearing date for Omni’s Motion for Summary Judgment shall remain unchanged;

4. Defendant reserves the right to seek leave of Court to extend time for its reply brief, if circumstances so warrant.

DATED: August 31, 2015

DORIS CHENG
WALKUP, MELODIA, KELLY, & SCHOENBERGER

By: /s/ Doris Cheng
Doris Cheng
Attorney for Plaintiff JENNIFER LOVETT

DATED: August 31, 2015

THOMAS A. RECTOR
GREGORY B. CHIN
LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Thomas A. Rector
Thomas A. Rector
Attorneys for Defendant OMNI HOTELS
MANAGEMENT CORPORATION

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The deadline for Plaintiff to file her opposition to Omni's Motion for Summary Judgment is extended from September 4, 2015 to September 11, 2015. All other deadlines related to Omni's Motion for Summary Judgment shall remain unchanged.

IT IS SO ORDERED.

DATED: 9/1/15



RICHARD SEEBORG
United States District Judge