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5 Attorneys for Defendant
 THE BURLINGTON
 6 INSURANCE COMPANY

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10
 11 PETER GREENBAUM,
 12 Plaintiff;
 13 v.
 14 THE BURLINGTON INSURANCE
 COMPANY,
 15 Defendant.
 16

Case No. 16-cv-00511-RS
**ORDER
 STIPULATION TO PERMIT CERTAIN
 DEPOSITIONS AFTER THE NON-EXPERT
 DISCOVERY CUTOFF**

17 WHEREAS, the cutoff for non-expert discovery in this matter is October 28, 2016;
 18 WHEREAS, Plaintiff served Defendant with three deposition notices on September 28, 2016,
 19 for the depositions of the following witnesses from The Burlington Insurance Company on October
 20 12 and 13, 2016: 1) BJ Cleaver; 2) Clifford Kelly; and 3) Person(s) Most Knowledgeable from The
 21 Burlington Insurance Company (the "Depositions");
 22 WHEREAS, on September 29, 2016, Defendant filed a motion for summary judgment to be
 23 heard on November 3, 2016;
 24 WHEREAS, Defendant advised Plaintiff that Defendant intended to seek a protective order to
 25 continue the Depositions until after the November 3, 2016 summary judgment hearing;
 26 WHEREAS, Plaintiff's opposition to the motion for summary judgment is due on October 13,
 27 2016;
 28 WHEREAS, Plaintiff has objected to Defendant's request to continue the Depositions, but a

1 dispute remains over the timing of the Depositions;

2 WHEREAS, Plaintiff reserves all of its right under Federal Rule of Civil Procedure 56(d) on
3 the grounds that Plaintiff cannot present facts essential to justify its opposition without conducting
4 the Depositions; and

5 WHEREAS, there have been no previous time modifications in this case;

6 THEREFORE, the parties to this action, through their counsel of record, hereby STIPULATE
7 as follows:

- 8 1. The Depositions are hereby continued until after the November 3, 2016 hearing on
- 9 Defendant’s motion for summary judgment, or a time consistent with the Court’s ruling
- 10 on the motion for summary judgment;
- 11 2. Defendant will not object to the Depositions based on the non-expert discovery cutoff; and
- 12 3. Defendant reserves all other bases on which to object to the Depositions.

13 Dated: October 7, 2016

GREENBERG TRAURIG, LLP

14 By: _____
15 /s/ Thomas Holden
Thomas Holden

16 Attorneys for Defendant
17 THE BURLINGTON INSURANCE
18 COMPANY

19 Dated: October 10, 2016

MILES & WESTBROOK

20
21 By: _____
22 /s/ Brian B. Miles
Brian B. Miles

23 Attorneys for Plaintiff
24 PETER GREENBAUM

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

26 Dated: October 11, 2016

27 
28 _____
Richard Seeborg
United States District Judge