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 15 (erroneously sued as AT&T DISABILITY INCOME PLAN)

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 LARKSPUR, CALIFORNIA

24 **UNITED STATES DISTRICT COURT**
 25 **NORTHERN DISTRICT OF CALIFORNIA**

26 Case No.: C 07-4573 PJH

27 CARL T. EDWARDS,
 28 Plaintiff,
 29 v.
 30 AT&T DISABILITY INCOME PLAN,
 31 Defendants.

**STIPULATION AND [PROPOSED] ORDER
 EXTENDING CASE DEADLINES**

[Civil L.R. 6-1]

1 WHEREAS, on May 29, 2008, the Court ordered that the parties file Cross-
2 Motions for Summary Judgment of the issues in this case by October 1, 2008, and
3 scheduled the hearing on the parties' Cross-Motions for November 5, 2008, at 9:00 a.m.;

4 WHEREAS, on July 28, August 12 and August 27, 2008 the parties
5 participated in a mediation of their claims with Court-appointed Early Neutral Evaluator
6 Geoffrey V. White, in a diligent and extended effort to resolve their dispute;

7 WHEREAS, despite the efforts of counsel and the mediator the parties have
8 not agreed to a settlement of this case;

9 WHEREAS, Plaintiff's counsel has informed Defendant's counsel informally of
10 Plaintiff's intention to take two non-party depositions, including one deposition out-of-state
11 and the deposition of a designated "person most knowledgeable" on several issues;

12 WHEREAS, Defendant has objected informally to Plaintiff's proposed notices
13 of deposition;

14 WHEREAS, counsel for the parties have engaged in, and intend to continue to
15 engage in, meet and confer efforts to limit discovery in this action; and

16 WHEREAS, the parties agree that the current cross-motion filing deadline
17 would not provide sufficient time for the parties to both conclude their efforts to meet and
18 confer as to any agreeable method(s) and scope of discovery, nor would the existing
19 discovery deadline provide sufficient time for any remaining unresolved discovery dispute(s)
20 to be resolved in a reasonable and sufficient time before the parties would be required to file
21 their Cross-Motions for Summary Judgment on October 1, 2008.

22
23 NOW, THEREFORE,

24 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff CARL
25 T. EDWARDS ("Plaintiff") and Defendant AT&T UMBRELLA BENEFIT PLAN NO. 1
26 (erroneously sued as AT&T DISABILITY INCOME PLAN, and hereinafter "Defendant"), by
27 and through their respective undersigned attorneys of record, to continue the date set by the
28 Court for hearing on the parties' Cross-Motions for Summary Judgment as well as all

1 associated deadlines, including the applicable deadlines for the filing of the parties'
2 opposition and reply briefs:

3
4 January 21, 2009 Last day for Plaintiff and Defendant to file and
5 serve opening briefs to Cross-Motions for
6 Summary Judgment.

7 February 4, 2009 Last day for Plaintiff and Defendant to file and
8 serve reply briefs to Cross-Motions for Summary
9 Judgment.

10 February 11, 2009 Last day for Plaintiff and Defendant to file and
11 serve reply briefs to Cross-Motions for Summary
12 Judgment.

13 February 25, 2009 Hearing on the parties' Cross-Motions for
14 9:00 a.m. Summary Judgment

15 Good cause exists for this continuance of the existing deadline for filing the
16 Cross-Motions for Summary Judgment, and all associated deadlines, because it will allow
17 the parties time to engage in further meet and confer efforts in an attempt to resolve their
18 discovery disputes without judicial intervention, and provide the parties time to conduct any
19 agreed-upon discovery in sufficient time to complete such discovery before filing any Cross-
20 Motions for Summary Judgment.

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IT IS SO STIPULATED.

Dated: September 16, 2008

ALTMAN & RAY

By: /S/ _____
Sara Smith Ray
Attorneys for Plaintiff CARL T. EDWARDS

Dated: September 16, 2008

MILLER LAW GROUP
A Professional Corporation

By: /S/ _____
Katherine L. Kettler
Attorneys for Defendant AT&T
UMBRELLA BENEFIT PLAN NO. 1
(erroneously sued as AT&T DISABILITY
INCOME PLAN)

ORDER

Having reviewed the Stipulation executed by Plaintiff CARL T. EDWARDS and Defendant AT&T UMBRELLA BENEFIT PLAN NO. 1, and good cause appearing, the Court hereby orders that the November 5, 2008 hearing on the parties' Motions for Summary Judgment and associated dates are VACATED, and are rescheduled pursuant to the schedule set forth below.

January 21, 2009 Last day for Plaintiff and Defendant to file and serve opening briefs to Cross-Motions for Summary Judgment.

February 4, 2009 Last day for Plaintiff and Defendant to file and serve opposition briefs to Cross-Motions for Summary Judgment.

February 11, 2009 Last day for Plaintiff and Defendant to file and serve reply briefs to Cross-Motions for Summary Judgment.

February 25, 2009
9:00 a.m. Hearing on the parties' Cross-Motions for Summary Judgment
Date Subject to Change based on court's availability

IT IS SO ORDERED.

Dated: 9/17/08

