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 15 ARNESHA GARNER, an individual on  
 behalf of herself and all others similarly situated  
 16

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA  
 19

20 ARNESHA M. GARNER, on behalf of  
 21 herself and all others similarly situated,

22 Plaintiff,

23 v.

24 STATE FARM MUTUAL  
 25 AUTOMOBILE INSURANCE  
 COMPANY,

26 Defendant.

CASE NO. CV 08 1365 CW (EMC)

**STIPULATION AND ORDER  
 PERMITTING PARTIES TO FILE  
 BRIEFS IN EXCESS OF 25-PAGE LIMIT  
 IN SUPPORT OF MOTION AND CROSS-  
 MOTION FOR SUMMARY JUDGMENT**

1 TO THE COURT, AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:  
2 THIS STIPULATION is entered into by and between plaintiff Arnesha Garner and defendant  
3 State Farm Mutual Automobile Insurance Company.

4 **RECITALS**

5 WHEREAS, the Court in its Order dated June 30, 2008 has set the following schedule  
6 and requirements for the briefing on motions for summary adjudication on the effectiveness of  
7 the Total Loss Regulation:

- 8 1. Defendant is to file its motion for summary adjudication on the effectiveness of the  
9 Total Loss Regulation by November 20, 2008;
- 10 2. Plaintiff is to file her opposition to defendant's motion and any cross-motion for  
11 summary adjudication on the effectiveness of the Total Loss Regulation in a single  
12 brief by December 4, 2008;
- 13 3. Defendant is to file its reply in support of its motion for summary adjudication and its  
14 opposition to plaintiff's cross-motion in a single brief by December 18, 2008;
- 15 4. Plaintiff is to file her reply in support of her cross-motion for summary adjudication  
16 by January 8, 2009.
- 17 5. A hearing on both motions is to be held on January 22, 2009 at 2:00 p.m.

18 WHEREAS, the parties will be in a position to brief summary adjudication on the  
19 effectiveness of the Total Loss Regulation on the schedule specified.

20 WHEREAS, Northern District Local Rule 7-2(b) requires that an opening motion consist  
21 of one filed document not exceeding 25 pages in length.

22 WHEREAS, Northern District Local Rule 7-3(a) requires that any opposition to a motion  
23 not exceed 25 pages in length.

24 WHEREAS, Northern District Local Rule 7-3(c) requires that a reply brief consist of one  
25 filed document not exceeding 15 pages in length.

26 WHEREAS, the parties have determined the effectiveness of the Total Loss Regulation  
27 raises complex legal and factual issues that require briefing in excess of these page limits for  
28 their opening, opposition, and reply briefs.

1 **STIPULATION**

2 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between plaintiff and  
3 defendant, by and through their respective counsel of record, that due to the complex legal and  
4 factual issues involved in briefing the issue of the effectiveness of the Total Loss Regulation,  
5 that.

- 6 1. Defendant’s motion for summary adjudication on the effectiveness of the Total  
7 Loss Regulation may be up to and including 35 pages in length (not including  
8 any supporting declarations, affidavits, exhibits, or proposed order).
- 9 2. Plaintiff’s opposition to defendant’s motion and any cross-motion for summary  
10 adjudication on the effectiveness of the Total Loss Regulation must be contained  
11 in a single brief which may be up to and including 35 pages in length (not  
12 including any supporting declarations, affidavits, exhibits, or proposed order).
- 13 3. Defendant’s reply in support of its motion and in opposition to plaintiff’s cross-  
14 motion for summary adjudication must be contained in a single brief which may  
15 be up to and including 20 pages in length (not including any supporting  
16 declarations, affidavits, exhibits, or proposed order).
- 17 4. Plaintiff’s reply motion in support of her cross-motion for summary adjudication  
18 may be up to and including 20 pages in length (not including any supporting  
19 declarations, affidavits, or proposed order).

20 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:**

21  
22 DATED: November \_\_, 2008 SEDGWICK, DETERT, MORAN & ARNOLD LLP

23  
24 By: \_\_\_\_\_  
25 Kevin J. Dunne  
26 Bruce D. Celebrezze  
27 Laura L. Goodman

28 Attorneys for Defendant  
STATE FARM MUTUAL AUTOMOBILE INSURANCE  
COMPANY

1 DATED: November \_\_, 2008 BIRKA-WHITE LAW OFFICES

2  
3  
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25 ARNESHA GARNER, an individual on  
26 behalf of herself and all others similarly situated

27 **ORDER**

28 Pursuant to the stipulation of the parties, and good cause appearing therefor,

**IT IS SO ORDERED.**

11/14/08

DATED: \_\_\_\_\_



\_\_\_\_\_  
The Honorable Claudia Wilken  
United States District Court Judge