

1 WHEREAS, on July 21, 2011, the Court set the date for the parties to file Cross-Motions
2 for Judgment or Summary Judgment in this action for December 6, 2011, with discovery to be
3 completed by October 31, 2011 (Doc. 129);

4 WHEREAS, the parties have completed discovery by the scheduled cutoff date of
5 October 31, 2011;

6 WHEREAS, after the date of the Court's Scheduling Order, Plaintiff's counsel received
7 scheduling orders involving two actions for breach of fiduciary duty, one against a pension plan
8 and another against a disability plan in the Eastern District of California, involving complex
9 discovery and summary judgment motion practice during the period November 2011 through
10 January 2012, with firm Court trial dates set in those actions;

11 WHEREAS, after the date of the Court's Scheduling Order, Plaintiff's counsel also
12 received a briefing schedule in a complex ERISA appeal now pending in the Ninth Circuit Court
13 of Appeals, with Plaintiff's Opening Brief due on January 31, 2012, and requiring coordination
14 with the U.S. Department of Labor as *amicus*;

15 WHEREAS, Plaintiff's counsel is a sole practitioner, and it would be practically
16 impossible for counsel to meet the requirements of the current briefing schedule for filing Cross-
17 Motions for Judgment herein;

18 NOW THEREFORE, it is hereby stipulated by and between the parties, through their
19 undersigned counsel, that pursuant to Fed. R. Civ. Pro. Rule 16(b)(4), good cause exists to
20 modify the Court's Scheduling Order, and the Court is respectfully requested to extend the time
21 for the parties to file their Cross-Motions for Judgment or Summary Judgment to February 7,
22 2012, with Opposition filed on February 21, 2012, and any Reply by February 28, 2012. Further,
23 the parties respectfully request that the date for the next Case Management Conference be
24 extended for approximately 60 days. As the Court has not set other dates for Pretrial or Trial, the
25 parties believe no other dates are affected by this Stipulation.

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DATED: November 8, 2011

LAW OFFICE OF GEOFFREY V. WHITE

By: /s/ Geoffrey V. White
GEOFFREY V. WHITE
Attorney for Plaintiff

DATED: November 8, 2011

GREEN & HUMBERT

By: /s/ Horace W. Green
HORACE W. GREEN
Attorneys for Defendants

ORDER

Pursuant to the above Stipulation, the Court finds that good cause exists to modify its Scheduling Order as follows: The parties shall file their Cross-Motions for Judgment or Summary Judgment on February 7, 2012; Opposition papers shall be filed by February 21, 2012; and any Reply by February 28, 2012.

~~The next Case Management Conference shall be held by telephone on _____~~

DATED 11-29-11

Sandra B. Armstrong
Honorable Sandra Brown Armstrong