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13 Attorneys for Plaintiff  
 14 CHARLES A. MARTORELLO

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17

18 CHARLES A. MARTORELLO,  
 19 Plaintiff,

20 vs.

21 SUN LIFE ASSURANCE COMPANY OF  
 22 CANADA; HILTI, INC. LONG TERM  
 23 DISABILITY PLAN; and DOES 1 through  
 20, Inclusive,

24 Defendants.

CASE NO. 4:09-CV-0912 PJH

**AMENDED JOINT STIPULATION AND  
 [PROPOSED] ORDER FOR THE  
 BRIEFING SCHEDULE FOR CROSS-  
 MOTIONS FOR SUMMARY JUDGMENT**

Honorable Phyllis J. Hamilton

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This amended stipulation for the entry of a Briefing Schedule for Cross-Motions for Summary Judgment is being jointly made and submitted by Plaintiff Charles A. Martorello and Defendant Sun Life Assurance Company of Canada (collectively the "Parties").

WHEREAS, at the Case Management Conference held on July 11, 2009 this Court ordered that the parties' cross-motions for summary judgment were to be filed on or before December 16, 2009;

WHEREAS, Plaintiff filed his motion for summary judgment on November 18, 2009;

WHEREAS, it is the parties' intention to have the cross-motions for summary judgment considered on the same date and in a single hearing as contemplated by this Court in setting a deadline for the cross-motions for summary judgment;

THEREFORE, the Parties stipulate to the following briefing schedule for filing cross-motions for summary judgment:

November 18, 2009: Plaintiff's Motion for Summary Judgment to be filed and served;

December 14, 2009: Sun Life's Motion for Summary Judgment and/or Sun Life's Opposition to Plaintiff's Motion for Summary Judgment to be filed and served;

January 6, 2010: Plaintiff's Opposition to Sun Life's Motion for Summary Judgment to be filed and served;

January 13, 2010: Plaintiff's Reply in Support of Motion for Summary Judgment to be filed and served and Sun Life's Reply in Support of Motion for Summary Judgment to be filed and served;

January 27, 2010: Hearing on Cross-Motions for Summary Judgment.

Respectfully submitted,

Dated: November 23, 2009

SQUIRE, SANDERS & DEMPSEY, L.L.P.

By:           /s/ Robert J. Guite            
Robert J. Guite

Attorneys for Defendant  
SUN LIFE ASSURANCE COMPANY OF  
CANADA

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2 Dated: November 23, 2009

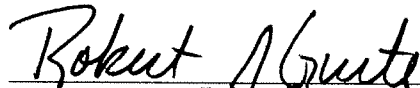
PILLSBURY & LEVINSON, LLP

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4 By: /s/ Brian H. Kim  
Arnold R. Levinson  
Terrence J. Coleman  
5 Brian H. Kim

6 Attorneys for Plaintiff  
CHARLES MARTORELLO

7 **ATTESTATION**

8  
9 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
10 "conformed" signature (/S/) within this efiled document.

11   
12 ROBERT J. GUITE

13 **[PROPOSED] ORDER**

14 Pursuant to the Joint Stipulation for the Briefing Schedule for Cross-Motions for  
15 Summary Judgment submitted by the Parties in this matter, it is ordered that the following  
16 briefing schedule for cross-motions for summary judgment is set for this matter:

17 November 18, 2009: Plaintiff's Motion for Summary Judgment to be filed and served;

18 December 14, 2009: Sun Life's Motion for Summary Judgment and/or Sun Life's  
19 Opposition to Plaintiff's Motion for Summary Judgment to be filed and served;

20 January 6, 2010: Plaintiff's Opposition to Sun Life's Motion for Summary Judgment to  
21 be filed and served;

22 January 13, 2010: Plaintiff's Reply in Support of Motion for Summary Judgment to be  
23 filed and served and Sun Life's Reply in Support of Motion for Summary Judgment to be filed  
24 and served;

25 January 27, 2010: Hearing on Cross-Motions for Summary Judgment

26  
27 DATED: 11/25/09

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HONORABLE PHYLLIS J. HAMILTON  
JUDGE PHYLLIS J. HAMILTON  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

2 Amend. Joint Stipulation and [Proposed] Order for  
Briefing Schedule – Case No. 4:09-CV-0912 PJH