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11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13 MARK FAGAN,  
 14 Plaintiff,  
 15 vs.

Case No.: No. C 09-2658 PJH

**STIPULATION (SECOND) TO EXTEND  
 TIME TO FILE A MOTION FOR  
 ATTORNEYS FEES; [PROPOSED]  
 ORDER**

16 LIFE INSURANCE CO. OF NORTH  
 17 AMERICA and NOVARTIS VACCINES  
 18 AND DIAGNOSTICS, INC., et al.,  
 19 Defendant

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 21 On August 19, 2010, the Court decided this case by issuing its "Order Re Cross-Motions  
 22 For Summary Judgment." (Document No. 40) The Court granted plaintiff's Motion and denied  
 23 Defendant's Motion. The Court also granted plaintiff's request for an award of reasonable  
 24 attorney's fees and costs. The Court further ordered that: "The parties shall first attempt to  
 25 negotiate a reasonable amount of fees and only if unsuccessful, plaintiffs shall file a motion for  
 26 fees and costs pursuant to Civil Local Rule 54-5."

27 On August 31, 2010, the parties determined that the meet and confer process would not  
 28 be complete in time to file a motion for attorneys fees on or before the deadline of September 2,

1 2010. As such, the parties submitted a stipulation to extend time to September 23, 2010.

2 (Document No. 42)

3 On September 3, 2010, the Court entered an order on the above-referenced stipulation  
4 allowing Plaintiff until September 23, 2010 to file and serve a motion for attorneys fees if the  
5 meet and confer process was unsuccessful. (Document No. 43)

6 Due to press of other cases, personal obligations, and an unexpected prolonged absence  
7 of one attorney in Plaintiff's Counsel's small law office (three attorneys), Plaintiff's Counsel was  
8 somewhat delayed in providing Defendant's Counsel with written material substantiating the  
9 amounts of attorney fees and costs incurred by Plaintiff in this matter. Those amounts were  
10 provided on September 16, 2010. However, Defendant's Counsel advised that Defendants would  
11 require an additional ten (10) to fourteen (14) days to review and analyze the materials provided  
12 by Plaintiff's Counsel and provide a response. As such, one additional short extension of time to  
13 file a motion for attorneys' fees is required.

14 Therefore, pursuant to Northern District of California Civil Local Rule 6-2, Plaintiff  
15 Mark Fagan and Defendant Life Insurance Company of North America and Novartis Vaccines  
16 and Diagnostics, Inc., et al, stipulate to extend the deadlines for filing of a motion for attorneys  
17 fees pursuant to Civil Local Rule 54-5 by an additional two weeks (until October 2, 2010).

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1 **IT IS HEREBY STIPULATED**, by and between the parties to this action that the new  
 2 date for filing and serving a motion for attorney's fees shall be Thursday, October 2, 2010.

3 Dated: September 17, 2010 DELFINO GREEN & GREEN

4  
 5 /s/

6 William Green  
 Attorneys for Plaintiff Mark Fagan

7 Dated: September 17, 2010

8 WILSON, ELSER, MOSKOWITZ,  
 EDELMAN & DICKER, LLP

9  
 10 /s/

11 Charan M. Higbee  
 Attorneys for Life Insurance  
 Company of North America and  
 Novartis Vaccines and Diagnostics,  
 Inc.

13  
 14 **ORDER**

15  
 16 The parties having stipulated as above and good cause appearing therefore, the hearing  
 17 dates are as follows: A motion for attorney's fees pursuant to Civil Local Rule 54-5 shall be  
 18 filed and served no later than Thursday, October 2, 2010.

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 20 **IT IS SO ORDERED.**

21 Dated: 9/21/10

