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33 UNITED STATES DISTRICT COURT
34
35 NORTHERN DISTRICT OF CALIFORNIA

36 GARY E. AFFONSO,

37 Case No. C 10-05054 PJH

38 Plaintiff,

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40 **STIPULATION AND [PROPOSED]**
41 **ORDER CONTINUING BRIEFING AND**
42 **HEARING SCHEDULE FOR**
43 **DISPOSITIVE MOTIONS**

44
45 v.
46
47 METROPOLITAN LIFE INSURANCE
48 COMPANY; MORGAN STANLEY SMITH
49 BARNEY LLC (APPEARING AS MORGAN
50 STANLEY & CO., INC.); and MORGAN
51 STANLEY & CO., INCORPORATED, BASIC
52 AND SUPPLEMENTAL LIFE INSURANCE
53 PLAN: 501,

54
55 Defendants.

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57 STIPULATION AND [PROPOSED] ORDER CONTINUING BRIEFING/HEARING SCHEDULE

1 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES:
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3 SO STIPULATED AND RESPECTFULLY REQUESTED:

4 Whereas, Plaintiff's withdrawal of his currently pending Motion for Summary Judgment
5 and his new/substituted motion for summary judgment is due on November 3, 2011;
6 Whereas, counsel for plaintiff, Laurence F. Padway, has had a death in the family and has been
7 called away from the office to take care of family matters; and

8 Now, therefore, the parties stipulate to the following briefing schedule on the dispositive
9 motions as follows:

10 Plaintiff's opening brief: November 14, 2011

11 Defendants' joint cross-motion and opposition: December 12, 2011

12 Plaintiff's opposition and reply: January 2, 2012

13 Defendants' joint reply: January 17, 2011

14 Hearing: February 1, 2012 at 9:00 a.m.

15
16 DATED: November 3, 2011 LAW OFFICES OF LAURENCE F. PADWAY

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18 By: _____ /s/
19 Laurence F. Padway
Attorneys for Plaintiff
20 Gary E. Affonso

21 DATED: November 3, 2011 SEDGWICK LLP

22
23 By: _____ /s/
24 Rebecca A. Hull
Erin A. Cornell
25 Attorneys for Defendants
Metropolitan Life Insurance Company; Morgan Stanley
26 Benefits Plan

1 DATED: November 3, 2011 LAW OFFICES OF STEVEN A. ELLENBERG
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3 By: _____/s/
4 Mark Boennighausen
5 Attorneys for Defendant
Morgan Stanley & Co., Inc.

6 **ORDER**
7

8 It is so ordered. The briefing schedule set forth in the parties' stipulation is adopted, and
the hearing on the cross-motions for judgment shall be held on February 1, 2012 at 9:00 a.m.
9

10 DATED: 11/7/11
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