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17 *Attorneys for Plaintiffs*

18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA  
 20 SAN JOSE DIVISION

21 WILLIAM SYVERSON, PATRICK BOONE,  
 LEE DESHLER, ROBERT FLOWERS, BARRY  
 22 GERARD, TINA GLEISNER, THOMAS  
 GOMEZ, EDWIN "DANA" GOODLOE, ROLF  
 23 MARSH, DANIEL MOCZAN, JAMES PAYNE,  
 and ANTONIO RIVERA, individually and on  
 behalf of others similarly situated,

24 Plaintiffs,

25 v.

26 INTERNATIONAL BUSINESS MACHINES  
 CORPORATION,

27 Defendant.  
 28

Case No. C 03 04529 RMW

**STIPULATION RE: ENLARGEMENT OF  
 TIME TO RESPOND TO DEFENDANT'S  
 MOTION FOR SUMMARY JUDGMENT ON  
 THE CLAIMS OF PLAINTIFF ROLF  
 MARSH; [PROPOSED] ORDER RE: SAME**

1 Plaintiffs William Syverson, Patrick Boone, Lee Deshler, Robert Flowers, Barry Gerard,  
2 Tina Gleisner, Thomas Gomez, Edwin “Dana” Goodloe, Rolf Marsh, Daniel Moczan, James  
3 Payne, and Antonio Rivera (“Plaintiffs”) and Defendant International Business Machines  
4 Corporation (“IBM”), acting through their respective counsel of record, hereby stipulate that  
5 Plaintiffs shall have an enlargement of time, from December 19, 2008 until December 29, 2008,  
6 to file their Opposition to Defendant’s Motion for Summary Judgment on the Claims of Plaintiff  
7 Rolf Marsh and that Defendant’s Reply to Plaintiff’s Opposition to Defendant’s Motion for  
8 Summary Judgment on the Claims of Plaintiff Rolf Marsh shall be extended from January 26,  
9 2009 to February 5, 2009, as follows:

10 1. Per the Court’s Order dated June 26, 2008, the deadline for filing initial  
11 dispositive motions was November 14, 2008, and the opposition deadline is December 19, 2008.  
12 There have been no modifications to these two deadlines.

13 2. On November 14, 2008, Defendant IBM filed a Notice of Motion and Motion for  
14 Summary Judgment on the Claims of Plaintiff Rolf Marsh and Memorandum in Support of  
15 Motion.

16 3. This enlargement is necessary due to Plaintiffs’ attorneys other time  
17 commitments, including:

18 a) Preparation of Plaintiffs’ Opposition to Defendant’s Motion for Summary  
19 Judgment on Statute of Limitations & Procedural Grounds, which is due in this case on  
20 December 19, 2008;

21 b) All-day deposition on November 21, 2008;

22 c) Administrative agency hearings and meetings on November 19, 2008 and  
23 December 5, 2008;

24 d) Thanksgiving holiday (November 27 and 28, 2008);

25 e) Out-of-town meetings and case work, December 16-19, 2008; and

26 f) Scheduled vacation from December 22 to December 26, 2008.  
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1 Dated: December 19, 2008

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ALISON B. MARSHALL  
TRACI L. LOVITT  
AARON L. AGENBROAD  
JONES DAY

4 JEFFREY D. WOHL  
KERRI N. HARPER  
5 JENNIFER A. BLACKSTONE  
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7  
8 By: /s/  
Alison B. Marshall

9 *Attorneys for Defendant*

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1 **ORDER**

2 On the stipulation of the parties, and good cause appearing therefore,

3 IT IS ORDERED:

4 1. The deadline for filing of Plaintiffs' Opposition to Defendant's Motion for  
5 Summary Judgment on the Claims of Plaintiff Rolf Marsh be extended to December 29, 2008.

6 2. The deadline for filing of Defendant's Reply to Plaintiff's Opposition to  
7 Defendant's Motion for Summary Judgment on the Claims of Plaintiff Rolf Marsh be extended  
8 to February 5, 2008. ]

9 Dated: December 24, 2008

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Ronald M. Whyte  
12 United States District Judge