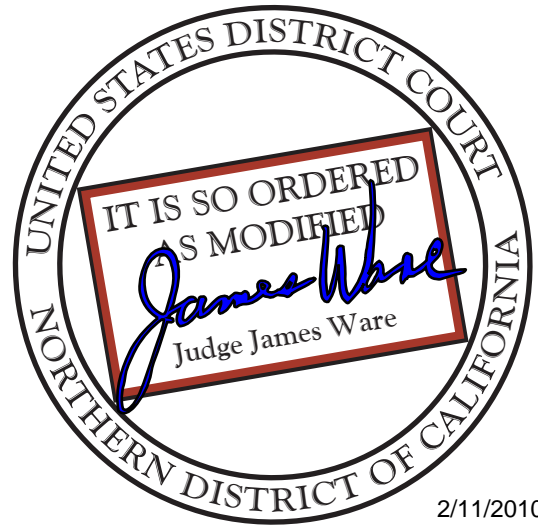


1 ROBERT B. NICHOLS (SB# 224763)
 2 nichols@nicholslawgroup.com
 3 300 South First Street, Suite 205
 4 San Jose, CA 95113
 5 Telephone: (408) 298-9755
 6 Facsimile: (408) 298-9699
 7 Attorneys for Plaintiff
 8 DAVID DAY

9 STEPHEN H. HARRIS (SB# 184608)
 10 stephenharris@paulhastings.com
 11 CAROLINE L. ELKIN (SB# 209156)
 12 carolineelkin@paulhastings.com
 13 PAUL, HASTINGS, JANOFSKY & WALKER LLP
 14 515 South Flower Street
 15 Twenty-Fifth Floor
 16 Los Angeles, CA 90071-2228
 17 Telephone: (213) 683-6000
 18 Facsimile: (213) 627-0705
 19 Attorneys for Defendant
 20 AT&T DISABILITY INCOME PLAN
 21 (formerly known as SBC DISABILITY INCOME PLAN)



13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

17 DAVID DAY,
 18 Plaintiff,
 19 vs.
 20 SBC DISABILITY INCOME PLAN,
 21 Defendant.

CASE NO. C06-01740-JW

**JOINT STIPULATION AND [PROPOSED]
 ORDER FOR CONTINUANCE OF FILING
 DATE FOR OPENING BRIEFS FOR
 CROSS MOTIONS FOR SUMMARY
 JUDGMENT**

22
 23 WHEREAS, in the Court's Order Setting Hearing for Cross-Motions for Summary
 24 Judgment dated December 2, 2009, the Court set the hearing on cross-motions for summary
 25 judgment in the above-referenced matter for March 22, 2010;

26 WHEREAS, pursuant to the Civil Local Rules of the Court, the parties understand the
 27 filing deadline for the cross-motions for summary judgment to be February 12, 2010;

28 JOINT STIPULATION FOR CONTINUANCE
 AND [PROPOSED] ORDER
 USDC ND CAL C06-01740 JW

1 WHEREAS, Defendant is prepared to file its motion for summary judgment on February
2 12, 2010, but Plaintiff's counsel, Robert B. Nichols, needs additional time to file Plaintiff's
3 motion for summary judgment;

4 WHEREAS, Plaintiff asked Defendant to stipulate to extend the time to file the opening
5 briefs for the cross-motions for summary judgment to February 16, 2010, and Defendant agreed
6 to accommodate Plaintiff's request;

7 WHEREAS, the parties agree that the Civil Local Rules of the Court shall continue to
8 apply to the filing deadlines for the opposition and reply briefs for the cross motions for summary
9 judgment, which dates will remain unchanged despite this stipulation regarding the opening
10 briefs;

11 THEREFORE, all parties and their counsel stipulate to and request the Court's approval
12 for a continuance of the filing deadline for the opening briefs for the cross motions for summary
13 judgment to February 16, 2010 and unless otherwise ordered by the Court, the hearing will
14 remain set for March 22, 2010 at 9:00 A.M.

15
16 Dated: February 4, 2010 ROBERT B. NICHOLS

17
18 /s/ Robert B. Nichols

19 _____
Robert B. Nichols

20 Attorneys for Plaintiff

David Day

21 Dated: February 4, 2010 PAUL, HASTINGS, JANOFSKY & WALKER LLP

22
23 /s/ Caroline L. Elkin

24 _____
Caroline L. Elkin

25 Attorneys for Defendant

AT&T Disability Income Plan (formerly known as SBC

Disability Income Plan)

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4

5 DAVID DAY,
6 Plaintiff,
7 vs.
8 SBC DISABILITY INCOME PLAN,
9 Defendant.

CASE NO. C06-01740-JW

Proposed
[~~PROPOSED~~] ORDER AS MODIFIED BY
THE COURT

10
11 Pursuant to the stipulation of the parties,

12 IT IS ORDERED THAT:

- 13 1. Opening Briefs for the Cross Motions for Summary Judgment shall be filed February
14 16, 2010.
15
16 2. Opposition and Reply Briefs for the Cross Motions for Summary Judgment shall be
17 filed according to the Civil Local Rules of the Court, notwithstanding the stipulation of the parties
18 regarding the Opening Briefs. All briefing shall be completed by **March 19, 2010**.
19
20 3. The Hearing Date is continued to **April 5, 2010 at 9:00 AM**.

21
22 San Jose, California, this 11th day of February, 2010.

23 
24 JAMES WARE
25 UNITED STATES DISTRICT JUDGE