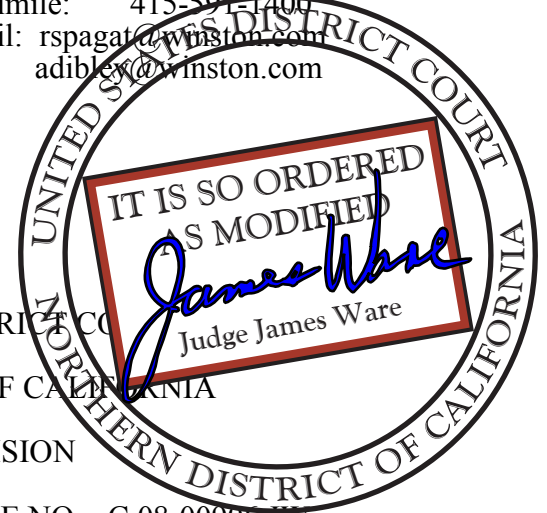


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 7 THE ABBOTT SEVERANCE PAY PLAN  
 7 FOR FORMER U.S. GUIDANT  
 8 EMPLOYEES, 2006 EDITION

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN JOSE DIVISION



12 MARK MURRAY,

13 Plaintiff,

14 v.

15 THE ABBOTT SEVERANCE PAY PLAN  
 16 FOR FORMER U.S. GUIDANT  
 17 EMPLOYEES, 2006 EDITION,

18 Defendant.

CASE NO.: C 08-00906 JW

**STIPULATION REGARDING  
 EXTENSION OF TIME FOR HEARING  
 DATE ON CROSS-MOTIONS FOR  
 SUMMARY JUDGMENT AND  
 PROPOSED ORDER**

19 This stipulation is entered into by and among Plaintiff Mark Murray (“Murray”) and  
 20 Defendant The Abbott Severance Pay Plan for Former U.S. Guidant Employees, 2006 Edition  
 21 (the “Plan”) (collectively the “Parties”), through their respective attorneys of record.

22 WHEREAS Local Civil Rule 6-2 allows the parties to file a stipulation requesting an  
 23 order to extend the deadlines in a case. Pursuant to Local Rule 6-2, the Parties submit the  
 24 following stipulation:

25 ///

26 ///

1           1.       On May 29, 2008, this Court entered a Scheduling Order in the above-referenced  
2 matter setting the following dates:

- 3                   • August 15, 2008—filing of a Joint Background and Undisputed Statement of
- 4                   Facts as well as cross-motions for summary judgment
- 5                   • August 29, 2008—oppositions, if any
- 6                   • September 5, 2008—replies, if any
- 7                   • October 6, 2008 at 9:00 a.m.—hearing date

8           2.       The Parties cross-motions for summary judgment are now fully briefed. The  
9 Parties previously suggested that they engage in the Early Neutral Evaluation (“ENE”) program  
10 after the Parties finalized their briefing on their cross-motions for summary judgment.

11           3.       In accordance therewith, the Parties have now been contacted by the ENE  
12 evaluator, who wishes to conduct an ENE session between now and October 21, 2008. The  
13 Parties plan to conduct the ENE session prior to the October 21 deadline.

14           4.       Given the foregoing, the Parties stipulate to, and ask the Court to enter, an Order  
15 extending the hearing date in this case by at least thirty (30) additional days in order for the  
16 Parties to participate in the ENE program.

17           5.       The hearing date in this case is currently set for October 6, 2008. The Parties will  
18 not be able to participate in the ENE session prior to that date. The Parties feel that it is  
19 beneficial to mediate and explore settlement prior to the hearing date.

20           6.       By extending this date, the hearing will only take place if the Parties are unable to  
21 settle the matter through the ENE program. In addition, the Court will not spend time reviewing  
22 the Parties papers unless it becomes necessary.

23           7.       The Parties previously stipulated to an extension of time to file a response to  
24 Plaintiff’s Complaint on March 4, 2008 and on March 25, 2008 and an extension of time to file  
25 the joint statement of facts and cross-motions for summary judgment on August 14, 2008.

26           The PARTIES HEREBY STIPULATE and request the Court amend the Scheduling  
27 Order to extend the hearing date by at least thirty (30) days.

28 Dated: September 17, 2008

WINSTON & STRAWN LLP

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By: s/ Joseph J. Torres  
\_\_\_\_\_  
Attorney for Defendant  
THE ABBOTT SEVERANCE PAY PLAN FOR  
FORMER U.S. GUIDANT EMPLOYEES, 2006  
EDITION

Dated: September 17, 2008

DELFINO GREEN & GREEN

By: s/ William Green

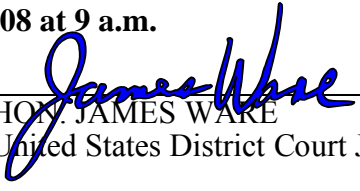
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Attorney for Plaintiff  
MARK MURRAY

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~~[PROPOSED]~~ ORDER

For good cause shown, the Court GRANTS the parties' request for a continuance of the hearing on motions current set for October 6, 2008. The hearing on the parties' Cross-Motions for Summary Judgment is set for **November 17, 2008 at 9 a.m.**

Date: September 18, 2008

  
\_\_\_\_\_  
HON. JAMES WARE  
United States District Court Judge