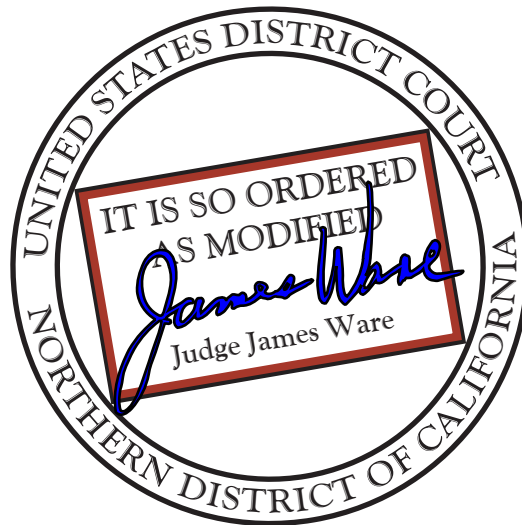


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 21 Merck & Co., Inc. Long Term Disability Plan
 22 for Non-Union Employees; Merck & Co., Inc.,
 23 Administrator for Merck & Co., Inc. Long Term
 24 Disability Plan for Non Union Employees



25 **UNITED STATES DISTRICT COURT**
 26 **NORTHERN DISTRICT OF CALIFORNIA**
 27 **SAN JOSE DIVISION**

28 **SUSAN RENE JONES,**
 Plaintiff,

vs.

**METROPOLITAN LIFE INSURANCE
 COMPANY; MERCK & CO., INC.
 LONG TERM DISABILITY PLAN
 FOR NONUNION EMPLOYEES;
 MERCK & CO., INC,
 ADMINISTRATOR FOR MERCK &
 CO., INC LONG TERM DISABILITY
 PLAN FOR NON UNION
 EMPLOYEES**

Defendant.

CASE NO. 5:08 – CV – 03971 JW ()

**STIPULATION REGARDING PROPOSED
 AMENDMENT TO SCHEDULING ORDER
 AND ORDER**

DATE: OCTOBER 19, 2009

TIME: 9:00 A.M.

PLACE: COURTROOM 8, 4TH FL., SJ

1 WHEREAS, the Court originally ordered a hearing on Cross Motions for Summary
2 Judgment in this case on or before October 19, 2009.

3 WHEREAS, due to unavoidable circumstances, mediation was delayed until July 30,
4 2009, at which the parties could not resolve the case.

5 WHEREAS, October 19, 2009 on the Court's Calendar is capped out.

6 WHEREAS, previously scheduled conflicts leave December 7, 2009 as the only date
7 available for MetLife Counsel;

8 THEREFORE, all parties and their counsel stipulate to and request the Court's approval
9 of the following extended anticipated time for filing Cross Motions for Summary Judgment.

- | | | |
|----|---|---------------------------------|
| 10 | 1. Cross Motions for Summary Judgment | October 19, 2009 |
| 11 | 2. Opposition to Cross Motions for Summary Judgment | November 9, 2009 |
| 12 | 3. Reply to Oppositions to Cross Motions | November 23, 2009 |
| 13 | 4. Hearing Date: | December 7, 2009, at 9:00 A.M., |

14
15 Dated: August 7, 2009 ROBERT B. NICHOLS

16
17 /S/ /ROBERT B. NICHOLS
18 Robert B. Nichols
19 Attorney for Plaintiff
20 Susan Rene Jones

21 Dated: August 7, 2009 CARI COHORN

22
23 /S/ CARI COHORN
24 Cari Cohorn
25 Attorney for Defendants
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James Ware
[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS ORDERED THAT Cross Motions for Summary Judgment shall be filed October 19, 2009; Opposition Memoranda shall be filed November 9, 2009, and Reply Memoranda shall be filed November 23, 2009. The Hearing Date shall be December 7, 2009, at 9:00 A. M.

Dated: August 19, 2009

James Ware

JAMES WARE
UNITED STATES DISTRICT JUDGE