

1 SEDGWICK, DETERT, MORAN & ARNOLD LLP
 REBECCA A. HULL Bar No. 99802
 2 CARI A. COHORN Bar No. 249056
 rebecca.hull@sdma.com
 3 cari.cohorn@sdma.com
 One Market Plaza
 4 Steuart Tower, 8th Floor
 San Francisco, California 94105
 5 Telephone: (415) 781-7900
 Facsimile: (415) 781-2635
 6

7 Attorneys for Defendants
 Metropolitan Life Insurance Company;
 8 Merck & Co., Inc. Long Term Disability Plan
 for Non Union Employees; Merck & Co., Inc.,
 9 Administrator for Merck & Co., Inc. Long Term
 Disability Plan for Non Union Employees
 10

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13

14 Susan Rene Jones,

15 Plaintiff,

16 v.

17 Metropolitan Life Insurance Company;
 Merck & Co., Inc. Long Term Disability
 18 Plan for Non Union Employees; Merck &
 Co., Inc., Administrator for Merck & Co.,
 19 Inc. Long Term Disability Plan for Non
 Union Employees,
 20

21 Defendants.

CASE NO. C 08-03971 JW RS

**STIPULATION OF CONTINUANCE OF
 CROSS MOTIONS FOR SUMMARY
 JUDGMENT AND DEFENDANTS'
 MOTION TO STRIKE AND [PROPOSED]
 ORDER**

JUDGE: Hon. James Ware
 DEPT: 8, 4th Floor

22 Defendants Metropolitan Life Insurance Company; Merck & Co., Inc. Long Term
 23 Disability Plan for Non Union Employees; Merck & Co., Inc., Administrator for Merck & Co.,
 24 Inc. Long Term Disability Plan for Non Union Employees (“Defendants”) and plaintiff Susan
 25 Rene Jones, (“Plaintiff”) by and through their respective attorneys of record, hereby agree and
 26 stipulate as follows:

27 WHEREAS, the Court has scheduled the hearing on Cross Motions for Summary
 28 Judgment in this case to be heard on February 1, 2010.

1 WHEREAS, the Defendants have filed a Motion to Strike Plaintiff's Response to
2 Defendants' Notice of Need for Further CMC currently set for hearing on March 15, 2010.

3 WHEREAS, the Parties request a continuance of the hearing and briefing dates of both
4 the Cross Motions for Summary Judgment and Defendants' Motion to Strike to April 5, 2010.

5 WHEREAS, none of the parties will be prejudiced by extension of the briefing and
6 hearing of the summary judgment cross motions or motion to strike.

7 NOW, THEREFORE, the Parties hereby stipulate and mutually request that the Court
8 grant an extension of the briefing schedule and hearing date for summary judgment cross
9 motions so that opening briefs shall be due January 18, 2010, oppositions briefs shall be due
10 February 8, 2010, reply briefs shall be due February 22, 2010 and a hearing set for 9:00 a.m. on
11 April 5, 2010. Plaintiff's opposition to defendants' motion to strike shall be due February 8,
12 2010, defendants' reply shall be due February 22, 2010, and the hearing shall be held
13 concurrently with the hearing on the cross motions for summary judgment on April 5, 2010.

14
15 IT IS SO STIPULATED.

16 DATED: December 18, 2009 ROBERT B. NICHOLS

17
18
19 By: /s/ Robert B. Nichols
20 Robert B. Nichols
21 Attorneys for Plaintiff Susan Rene Jones

22 DATED: December 18, 2009 SEDGWICK, DETERT, MORAN & ARNOLD LLP

23
24 By: /s/ Cari A. Cohorn
25 Rebecca A. Hull
26 Cari A. Cohorn
27 Attorneys for Attorneys for Defendants
28 Metropolitan Life Insurance Company;
Merck & Co., Inc. Long Term Disability Plan
for Non Union Employees; Merck & Co., Inc.,
Administrator for Merck & Co., Inc. Long Term
Disability Plan for Non Union Employees

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

James Ware
~~[PROPOSED]~~ ORDER

PURSUANT TO THE STIPULATION, IT IS ORDERED THAT Cross Motions for Summary Judgment shall be filed January 18, 2010, Opposition Memoranda shall be filed February 8, 2010 and Reply Memoranda shall be filed February 22, 2010. Plaintiff's Opposition Memorandum regarding Defendants' Motion to Strike shall be filed February 8, 2010, and Defendants' Reply Memorandum shall be filed February 22, 2010. The Hearing Dates for Cross Motions for Summary Judgment and Defendants' Motion to Strike shall be April 5, 2010.

IT IS SO ORDERED.

DATED: December 21, 2009

James Ware

JAMES WARE
UNITED STATES DISTRICT COURT JUDGE

