

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 SUSAN RENE JONES

9 SEDGWICK, DETERT, MORAN & ARNOLD LLP
 10 REBECCA A. HULL Bar No. 99802
 11 rebecca.hull@sdma.com
 12 One Market Plaza
 13 Steuart Tower, 8th Floor
 14 San Francisco, California 94105
 15 Telephone: (415) 781-7900
 16 Facsimile: (415) 781-2635

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

23
 24 **UNITED STATES DISTRICT COURT**
 25 **NORTHERN DISTRICT OF CALIFORNIA**

26 Susan Rene Jones,
 27 Plaintiff,

28 v.

29 Metropolitan Life Insurance Company;
 30 Merck & Co., Inc. Long Term Disability
 31 Plan for Non Union Employees; Merck &
 32 Co., Inc., Administrator for Merck & Co.,
 33 Inc. Long Term Disability Plan for Non
 34 Union Employees,
 35 Defendants.

CASE NO. C 08-03971 JW PVT

**STIPULATION TO EXTEND REPLY
 BRIEF DUE DATES AND [PROPOSED]
 ORDER**

DATE: MAY 24, 2010

TIME: 9:00 A.M.

PLACE: COURTROOM 8, 4th Floor

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

1 WHEREAS, pursuant to prior Stipulations, the Court has scheduled the hearing on the
2 parties' Cross Motions for Summary Judgment and on Defendants' Motion to Strike in this case
3 to be heard on May 24, 2010, with Reply Briefs due April 19, 2010;

4 WHEREAS, the parties do not seek to continue the hearings on their respective Cross
5 Motions for Summary Judgment or on defendants' Motion to Strike;

6 WHEREAS, Plaintiff's counsel suffered a computer crash Monday evening and is just
7 recovering the documents and data related to this case;

8 WHEREAS, counsels' earliest mutually available date for filing reply briefs is May 3,
9 2010;

10 WHEREAS, the Parties agree that a continuance of the filing date is appropriate in light
11 of the circumstances, and jointly request that the Court extend the due date for Reply Briefs until
12 May 3, 2010, while retaining the May 24, 2010 hearing date for their respective Cross Motions
13 for Summary Judgment and Defendants' Motion to Strike.

14 WHEREAS, neither the parties nor the Court will be prejudiced by extending the Reply
15 Briefs' due dates;

16 NOW, THEREFORE, the Parties hereby stipulate and mutually request that the Court
17 grant an extension of the due date for reply briefs on their respective Cross Motions for
18 Summary Judgment and Defendant's Motion to Strike of May 3, 2010, while retaining the
19 hearing date currently set for 9:00 a.m. on May 24, 2010.

20 IT IS SO STIPULATED.

21 DATED: April 8, 2010

ROBERT B. NICHOLS

22
23 By: /s/ Robert B. Nichols

Robert B. Nichols

Attorneys for Plaintiff Susan Rene Jones

24
25
26 DATED: April 8, 2010

SEDGWICK, DETERT, MORAN & ARNOLD LLP

27 By: /s/ Rebecca A. Hull

Rebecca A. Hull

Attorneys for Attorneys for Defendants

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

~~PROPOSED~~ ORDER

PURSUANT TO THE STIPULATION, IT IS ORDERED THAT Reply Briefs on the parties' Cross Motions For Summary Judgment and on Defendant's Motion To Strike shall be due May 3, 2010, with a hearing set for 9:00 a.m. on May 24, 2010 on all motions.

IT IS SO ORDERED.

DATED: April 13, 2010



JAMES WARE
UNITED STATES DISTRICT COURT JUDGE