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10 Attorneys for Defendants
 11 NETWORK APPLIANCE, INC. EMPLOYEE
 12 BENEFIT PLAN and STANDARD INSURANCE
 13 COMPANY

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

17 CONRAD MINSHALL,
 18 Plaintiff,

19 vs.

20 NETWORK APPLIANCE, INC. EMPLOYEE)
 21 BENEFIT PLAN, and STANDARD)
 22 INSURANCE COMPANY,)
 23 Defendants.)

Case No. CV10-4745 LHK

STIPULATION AND ORDER CONTINUING
 BENCH TRIAL AND BRIEFING SCHEDULE

AS MODIFIED BY THE COURT

TRIAL DATE: January 12, 2012
 DEPT: Courtroom 8, 4th Floor
 JUDGE: Honorable Lucy H. Koh

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 26 WHEREAS, the Court set Motions for Adjudication to be heard in this matter January
 27 12, 2012, with Opening Briefs due November 23, 2011;
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1 WHEREAS, the Plaintiff is scheduled for hip replacement surgery during the briefing
2 schedule for the Motions for Adjudication and so will be unavailable to consult with counsel
3 during part of the briefing schedule and otherwise assist his counsel;

4 WHEREAS, counsel for Plaintiff has just recently had a recurrence of a medical
5 condition which has and will cause a loss of time and ability to focus in the short term, and
6 which causes a need for Plaintiff's counsel to reduce his workload for the next few months;

7 WHEREAS, Defendants are not prejudiced by a continuance; and

8 WHEREAS, no continuations have previously been requested in this case;

9 THEREFORE, the parties, by their attorneys of record, hereby stipulate that the
10 Motions for Adjudication hearing, currently scheduled for January 12, 2012, be continued until
11 on or about March 15, 2012, with the briefing schedule similarly continued.

12 IT IS SO STIPULATED.

13 FILER'S ATTESTATION:

14 Pursuant to General Order No. 45, section X(B) regarding signatures, I attest under
15 penalty of perjury that the concurrence in the filing of this document has been obtained
16 from its signatories.

17 Dated: November 4, 2011

BY: /s/ Charles B. Perkins

CHARLES B. PERKINS

18 DATE: November 4, 2011

FLYNN, ROSE & PERKINS

19
20 By /s/ Charles B. Perkins
CHARLES B. PERKINS

21 Attorney for Plaintiff
22 CONRAD MINSHALL

23 DATE: November 4, 2011

BUCHANAN ANGELI ALTSCHUL
& SULLIVAN LLP

24 By /s/ Andrew Altschul
Andrew Altschul

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26 Attorneys for Defendants
27 NETWORK APPLIANCE, INC EMPLOYEE BENEFIT
28 PLAN and STANDARD INSURANCE COMPANY

ORDER

Having considered the Stipulation of the parties, it is hereby ordered that the hearing for Motions for Adjudication in this matter, currently scheduled for January 12, 2012, is hereby continued to **March 15, 2012, at 1:30 p.m, to last approximately 2 hours.**

Although the Civil Local Rules have changed such that the briefing schedule is calculated from the filing of the opening brief instead of the hearing date, see Civil L.R. 7-2, in light of Plaintiff’s and Plaintiff’s counsel’s medical conditions, the Court sets the following briefing schedule:

Opening briefs due February 9, 2012.

Opposition briefs due February 23, 2012.

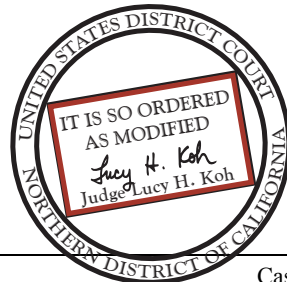
Reply briefs due March 1, 2012.

IT IS SO ORDERED.

DATE: November 4, 2011

Lucy H. Koh

THE HONORABLE LUCY H. KOH
U.S. District Court Judge



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