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 17 Hartford Life and Accident Insurance Company and Aviza Technology Health and Welfare
 18 Plan

19 UNITED STATES DISTRICT COURT
 20 FOR THE NORTHERN DISTRICT OF CALIFORNIA

21 MARK ROWELL,

Plaintiff,

vs.

22 AVIZA TECHNOLOGY HEALTH AND
 23 WELFARE PLAN and HARTFORD LIFE
 24 AND ACCIDENT INSURANCE
 25 COMPANY,

Defendants.

Case No.: C 10-5656 PSG

**STIPULATION AND
 ORDER CONTINUING RULE 52 BRIEFS
 AND HEARING**

Judge: Hon. Paul S. Grewal

STIPULATION

1 Plaintiff, Mark Rowell, and defendants, Aviza Technology Health and Welfare Plan and
2 Hartford Life and Accident Insurance Company stipulate to the following:

3 1. WHEREAS, prior to the mediation in this case, the parties agreed that defendants
4 could wait until after the mediation to respond to written discovery requests in an effort to
5 minimize the costs of litigation, should the case have settled at the mediation. The parties
6 attended a mediation session on June 16, 2011, but the case did not settle.
7

8 2. WHEREAS, Defendants responded to the discovery requests on July 15, 2011.
9 However, the parties had a dispute regarding the written discovery responses and thus a meet and
10 confer regarding the dispute was held on August 1, 2011. After meeting and conferring, it
11 became clear that defendants' attorney was not available for a hearing on the discovery dispute
12 on September 13 or September 20, 2011, and the hearing would have to be held on September
13 27. Plaintiff filed his motion to compel on August 11, 2011.
14

15 3. WHEREAS, the parties are currently scheduled to file their opening briefs on
16 cross Rule 52 motions on October 11, 2011. The parties believe they will need additional time
17 between September 27 and October 11, 2011 to respond to the Court's order regarding discovery
18 before filing opening briefs on the Rule 52 motions. In addition, Counsel for Hartford would
19 also like an additional week to respond to the discovery motion brought by Plaintiff as he will be
20 out of town taking depositions next week. The additional week will make Hartford's Opposition
21 papers due on September 1, 2011 and will not impact the September 27, 2011 motion hearing
22 date in anyway.
23
24

25 WHEREFORE, the parties stipulate and respectfully request an order from the Court
26 continuing the Rule 52 Motion briefing schedule and hearing by two weeks, so that the following
27 schedule will apply:
28

1 Cross Opening Briefs on Rule 52 Motion October 25, 2011.
2 Cross Opposition Briefs on Rule 52 Motion November 8, 2011.
3 Cross Reply Briefs on Rule 52 Motion November 15, 2011.
4 Hearing on Rule 52 Motion/Trial December 12, 2011 at 10:00 a.m
5
6

7 In addition, Hartford shall have one extra week to file its Opposition papers to Plaintiff's
8 motion to Compel. The Opposition Papers will now be due on September 1, 2011. The Reply
9 will be due September 8.
10

11 **IT IS SO STIPULATED.**
12
13
14
15

16 Date: August 17, 2011

BURKE, WILLIAMS, SORENSEN LLP

17
18 By: /s/
19 Michael Bernacchi
20 Attorneys for Defendants
21 AVIZA TECHNOLOGY HEALTH AND WELFARE
22 PLAN and HARTFORD LIFE AND ACCIDENT
23 INSURANCE COMPANY

24 Date: August 17, 2011

THE LAW OFFICE OF STEVEN M. CHABRE

25 By: /s/
26 Steven M. Chabre
27 Attorneys for Plaintiff
28 MARK ROWELL

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that the Rule 52 Motion briefing and hearing dates are continued, so that the following schedule will apply:

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|---|---------------------------------|
| Cross Opening Briefs on Rule 52 Motion | October 25, 2011. |
| Cross Opposition Briefs on Rule 52 Motion | November 8, 2011. |
| Cross Reply Briefs on Rule 52 Motion | November 15, 2011. |
| Hearing on Rule 52 Motion/Trial | December 12, 2011 at 10:00 a.m. |
| Hartford's Opposition to Discovery Motion | September 1, 2011. |
| Plaintiff's Reply to Discovery Motion | September 8, 2011 |

Date: August 19 , 2011.



PAUL S. GREWAL
United States Magistrate Judge