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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARK ROWELL,

Plaintiff,

vs.

AVIZA TECHNOLOGY HEALTH AND
 WELFARE PLAN and HARTFORD LIFE
 AND ACCIDENT INSURANCE
 COMPANY,

Defendants.

Case No.: C 10-5656 PSG

**STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING RULE 52 BRIEFS**

Judge: Hon. Paul S. Grewal

STIPULATION

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

WHEREAS, the Court heard a motion to compel discovery responses on October 18, 2011;

WHEREAS, the parties are scheduled to file opening briefs on cross-motions for judgment under Fed. R. Civ. P. 52 this coming Tuesday, October 25, 2011;

STIPULATION AND ~~PROPOSED~~ ORDER CONTINUING RULE 52 BRIEFS
 (C 10-5656 PSG)

1 WHEREAS, the parties believe they will need additional time to respond to the Court's
2 order regarding discovery before filing opening briefs on the Rule 52 motions;

3 WHEREAS, the parties do not believe cross reply briefs will be necessary;

4 WHEREAS, plaintiff's attorney will be out of the country from December 19, 2011 to
5 December 31, 2011.
6

7 WHEREFORE, the parties stipulate and respectfully request an order from the Court
8 continuing the Rule 52 Motion briefing schedule so that the following schedule will apply:
9

10 Cross Opening Briefs on Rule 52 Motion	November 7, 2011.
11 Cross Opposition Briefs on Rule 52 Motion	November 21, 2011.
12 Cross Reply Briefs on Rule 52 Motion	None.
13 Hearing on Rule 52 Motion/Trial	December 12, 2011 at 9:30 a.m.

14

15 **IT IS SO STIPULATED.**
16

17
18 Date: October 20, 2011 BURKE, WILLIAMS, SORENSEN LLP

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

26
27 Date: October 20, 2011 THE LAW OFFICE OF STEVEN M. CHABRE

28 By: /s/
Steven M. Chabre
Attorney for Plaintiff
MARK ROWELL

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ORDER

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

Cross Opening Briefs on Rule 52 Motion	November 7, 2011.
Cross Opposition Briefs on Rule 52 Motion	November 21, 2011.
Cross Reply Briefs on Rule 52 Motion	None.
Hearing on Rule 52 Motion/Trial	December 12, 2011 at 9:30 a.m.

Date: October 21, 2011.



PAUL S. GREWAL
United States Magistrate Judge