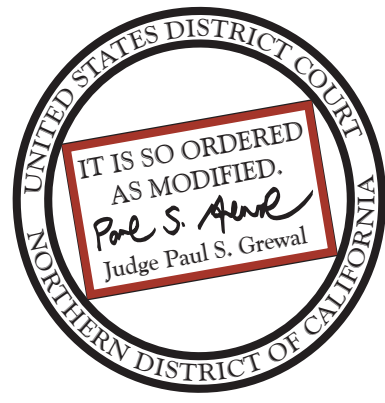


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 Hartford Life and Accident Insurance Company  
 6 and Aviza Technology Health and Welfare Plan

7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**  
 10 **SAN JOSE DIVISION**

12 MARK ROWELL,  
 13 Plaintiff,  
 14 v.  
 15 AVIZA TECHNOLOGY HEALTH  
 AND WELFARE PLAN and  
 16 HARTFORD LIFE AND  
 ACCIDENT INSURANCE  
 17 COMPANY,  
 18 Defendants.

Case No. 5:10-CV-05656-PSG  
**STIPULATION TO CONTINUE  
 RULE 52 MOTION BRIEFING AND  
 HEARING; [~~PROPOSED~~] ORDER**  
 Hon. Paul S. Grewal

19  
 20 Plaintiff, Mark Rowell, and Defendants, Aviza Technology Health and  
 21 Welfare Plan and Hartford Life and Accident Insurance Company (“Hartford”), by  
 22 and through their respective attorneys of record, stipulate to the following:

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

25 WHEREAS, the Court issued its ruling on the discovery motion on October  
 26 31, 2011. In that discovery order, the Court ruled that Hartford is to produce  
 27 certain information by November 18, 2011;

28 ///

1           WHEREAS, Hartford's home office has apparently been closed this week  
2 due to weather conditions and outside counsel has not been able to have a  
3 meaningful discussion about the discovery order with his client, including as to  
4 whether it can even comply with the Court's order by November 18, 2011;

5           WHEREAS, the parties currently have opening briefs due on November 7,  
6 2011, opposition briefs due on November 21, 2011, and a hearing on the  
7 administrative record on December 12, 2011;

8           WHEREAS, the parties believe they will need additional time to respond to  
9 the Court's order regarding discovery before filing their briefs in this matter and  
10 that Plaintiff's counsel will be out of the country from December 19, 2011 through  
11 December 31, 2011;

12           WHEREFORE, the parties hereby stipulate and respectfully request an order  
13 from the Court continuing the Rule 52 Motion briefing schedule and hearing as  
14 follows:

15           Cross Opening Briefs on Rule 52 Motion:   January 10, 2012

16           Cross Opposition Briefs on Rule 52 Motion: January 24, 2012

17           Hearing on Rule 52 Motion:                         February 7, 2012 at 9:30 a.m.

18           IT IS SO STIPULATED.

19  
20 Dated: November 3, 2011

The Law Office of Steven M. Chabre

21  
22 By: /s/ Steven M. Chabre

Steven M. Chabre

chabre66@yahoo.com

Attorneys for Plaintiff Mark Rowell

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