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9 Attorneys for Defendant
 10 ACCURAY, INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

14 Michael E. Boyd,
 15 Plaintiff,
 16 v.
 17 Accuray, Inc.,
 18 Defendant.

Case No. 5:11-cv-01644-LHK

**STIPULATION AND ~~PROPOSED~~
 ORDER DENYING LEAVE TO
 EXCEED PAGE LIMITS
 ESTABLISHED BY THE COURT'S
 LOCAL RULES [7.2 AND 7.4] FOR
 MOTION FOR SUMMARY
 JUDGMENT**

19 STIPULATION AND ~~PROPOSED~~ ORDER GRANTING LEAVE TO EXCEED PAGE LIMITS ESTABLISHED
 20 BY THE COURT'S LOCAL RULES [7.2 AND 7.4] FOR MOTION FOR SUMMARY JUDGMENT

1 Defendant Accuray, Inc. ("Defendant") and Plaintiff Michael Boyd
2 ("Plaintiff"), by and through their counsel, and subject to the Court's approval, stipulate
3 as follows:

4 **WHEREAS**, Plaintiff's First Amended Complaint ("FAC") contains five
5 (5) causes of action for Retaliation, including (i) under the Fair Labor Standards Act; (ii)
6 under the Federal False Claims Act; (iii) under the Equal Employment Opportunity Act
7 of 1964, as amended; (iv) under the Occupational Safety and Health Act of 1970; and (v)
8 under the whistleblower provisions of the Sarbanes-Oxley Act; and

9 **WHEREAS**, the FAC asserts relevant facts and causes of action spanning
10 more than four (4) years of time, and which contain multiple complaints, and multiple
11 allegations of retaliatory conduct over the four year period; and

12 **WHEREAS**, the parties agree that the FAC's scope and complexity
13 warrant a modest increase in the page limits imposed by this Court's Local Orders for
14 Defendant's opening brief and Plaintiff's opposition brief to Defendants' motion for
15 summary judgment, and Defendant's reply brief.

16 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**
17 **BY AND BETWEEN THE PARTIES**, subject to the Court's approval, that:

18 1. Defendant's memorandum of law in support of its motion for
19 summary judgment shall not exceed 35 pages (or as otherwise indicated by the Court);
20 and

21 2. Plaintiff's memorandum of law in opposition to Defendant's motion
22 for summary judgment shall not exceed 37 pages (or as otherwise indicated by the
23 Court); and

24 3. Defendant's reply brief in support of its motion for summary
25 judgment shall not exceed 17 pages (or as otherwise indicated by the Court).

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28 STIPULATION AND ~~PROPOSED~~ ORDER GRANTING LEAVE TO EXCEED PAGE LIMITS ESTABLISHED
BY THE COURT'S LOCAL RULES [7.2 AND 7.4] FOR MOTION FOR SUMMARY JUDGMENT

1 Dated: March 20, 2012

MCMAHON SEREPCA LLP

2
3 s/ Peter C. McMahon

4 _____
Peter C. McMahon, Esq.
Attorneys for Accuray, Inc.

5
6 Dated: March 19, 2012

MEIR WESTREICH

7
8 s/ Meir J. Westreich

9 _____
Meir J. Westreich, Esq.
Attorneys for Michael Boyd

10
11 **~~PROPOSED~~ ORDER**

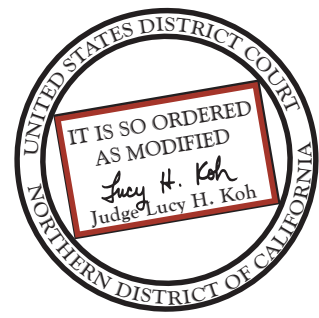
12 Having reviewed the above stipulation, **THE STIPULATION IS DENIED.**

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18 **IT IS SO ORDERED.**

19
20 *Lucy H. Koh*

21 _____
The Honorable Lucy Koh
United States District Judge

22 Dated: March 21, 2012



STIPULATION AND ~~PROPOSED~~ ORDER GRANTING LEAVE TO EXCEED PAGE LIMITS ESTABLISHED BY THE COURT'S LOCAL RULES [7.2 AND 7.4] FOR MOTION FOR SUMMARY JUDGMENT