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

18 MICHAEL E. BOYD,
 19 Plaintiff,
 20 v.
 21 ACCURAY, INC.; DOES 1 - 50,
 22 Defendants.

23) Case No. CV 11-01644 LKH
 24) **STIPULATION AND [PROPOSED]**
 25) **ORDER TO REVISE BRIEFING**
 26) **SCHEDULE ON DEFENDANT'S**
 27) **MOTION FOR SUMMARY**
 28) **JUDGMENT**
) **Motion Hearing Date: May 24, 2012**
) **Time: 1:30 p.m.**
) **Courtroom No. 8**

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1 **STIPULATION**

2 Counsel hereby stipulate as follows:

3 1. Under the Court’s initial scheduling order, arising from the initial
4 scheduling conference, the date for hearing motions for summary judgment was set
5 for May 17, 2012, with a filing deadline of April 12, 2012, which in turn made
6 response due on April 26, 2012 and reply due May 3, 2012.

7 2. By stipulation and order, the discovery cutoff date of February 17, 2012 was
8 extended to March 19, 2012.

9 3. At a further status conference, the Court on its own motion continued the
10 motion hearing date to May 24, 2012, without altering any of the briefing schedule
11 dates.

12 4. On April 2, 2012, the Court issued its order approving the parties’
13 Stipulation for Further Discovery in Lieu of Motion to Compel, which established
14 response delivery dates for the further discovery, most of them either on April 17 or
15 April 30, 2012. [In Paragraph 4.f thereof, a response delivery date was errantly
16 omitted, and the parties are hereby stipulating that it will be April 30, 2012]. In using
17 the April 30, 2012 date, Plaintiff’s counsel incorrectly assumed that the summary
18 judgment response date had been moved to May 3, 2012.

19 5. In recognition of the aforementioned factors, including the mentioned court
20 approved discovery response delivery times as late as April 30, 2012, the parties
21 hereby stipulate to this application to the Court to extend time for Plaintiff’s response
22 to the Defendant’s Motion for Summary Judgment to May 3, 2012; and,
23 concomitantly, to extend time for Defendant’s Reply to May 10, 2012.

24 6. With the revised briefing schedule, Plaintiff will thereby have the completed
25 discovery for whatever use it may afford for his response to the summary judgment
26 motion. Conversely, the revisions will not constrict the normal time the Court has for
27 consideration of the completed briefing on the motion.

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1 7. The summary judgment motion hearing date remains May 24, 2012, and all
2 other case management dates remain.

3 **SO STIPULATED:**

4 Dated: April 17, 2012

Respectfully submitted,

s/ Meir J. Westreich

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Meir J. Westreich
Attorney for Plaintiff

Dated: April 17, 2012

MCMAHON SEREPCALLP

s/ Peter C. McMahon

By: Peter C. McMahon
Attorneys for Defendant

SO ORDERED:

Dated: April 26, 2012


Lucy H. Koh
Judge of the District Court