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 11 THE TRAVELERS INDEMNITY COMPANY,
 12 THE TRAVELERS INDEMNITY COMPANY
 13 OF CONNECTICUT, AND TRAVELERS
 PROPERTY CASUALTY COMPANY OF AMERICA

14 **UNITED STATES DISTRICT COURT**
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE)**

16 THE PHOENIX INSURANCE
 17 COMPANY, a Connecticut corporation;
 18 THE TRAVELERS INDEMNITY
 19 COMPANY, a Connecticut corporation;
 20 THE TRAVELERS INDEMNITY
 COMPANY OF CONNECTICUT, a
 Connecticut corporation; TRAVELERS
 PROPERTY CASUALTY COMPANY OF
 AMERICA, a Connecticut corporation,

21 Plaintiffs and Counter-Defendants,

22 v.

23 INFINITY CONTACT, INC., an Iowa
 24 corporation; and NUANCE
 COMMUNICATIONS, INC., a Delaware
 corporation,

25 Defendants and Counter-Claimants
 26

CASE NO. 5:13-cv-5905 BLF

**JOINT STIPULATION AND ~~PROPOSED~~
 ORDER TO EXTEND JANUARY 15, 2015
 DEADLINE TO RE-NOTICE SUMMARY
 JUDGMENT MOTION OR TO FILE
 STIPULATION OF DISMISSAL, IN ORDER
 TO ACCOMMODATE JANUARY 20, 2015
 GLOBAL SETTLEMENT CONFERENCE**

DEMAND FOR JURY

Courtroom: 3
 Judge: Hon. Beth Labson Freeman
 Floor: 5

1 Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rules 6-1(b) and 6-2, Defendant
2 NUANCE COMMUNICATIONS, INC. (“Defendant”) and Plaintiffs THE PHOENIX
3 INSURANCE COMPANY, THE TRAVELERS INDEMNITY COMPANY, THE TRAVELERS
4 INDEMNITY COMPANY OF CONNECTICUT, and TRAVELERS PROPERTY CASUALTY
5 COMPANY OF AMERICA (collectively, “Plaintiffs”) (together, with Defendant, the “Parties”),
6 through their undersigned counsel, hereby file the following stipulated request to extend the
7 deadlines set forth in the Court’s Order of October 29, 2014, Docket Entry No. 67. (“October 29
8 Order”). The Parties respectfully request that the Court extend Plaintiffs’ deadline to re-notice their
9 Motion for Summary Judgment, or for the Parties to file a Stipulation of Dismissal, to March 2,
10 2015. Should Plaintiffs choose to re-notice their Motion for Summary Judgment, the Parties
11 respectfully request that the Court extend Defendant’s deadline to file its opposition until April 1,
12 2015; extend Plaintiffs’ deadline to file their reply until April 22, 2015; and set the hearing on
13 Plaintiffs’ Motion for Summary Judgment for Thursday, May 7, 2015 or as soon thereafter as the
14 Court has availability. In support of this request, the Parties stipulate as follows:

15 WHEREAS, on June 2, 2014, the Court issued a Case Management Order, Docket
16 Entry No. 46 (“CMO”) setting forth the following schedule with respect to motions for summary
17 judgment:

18 Parties to file Cross-Motion for Summary Judgment	June 30, 2014
19 Response to Motion for Summary Judgment	July 30, 2014
20 Reply to Motion for Summary Judgment	August 20, 2014
21 Motion for Summary Judgment Hearing	November 6, 2014 at 9:00 a.m.

22 WHEREAS, on June 30, 2014, Plaintiffs filed their Motion with this Court;

23 WHEREAS, on July 15, 2014, the Parties initiated discussions relating to potential
24 settlement of this action;

25 WHEREAS, to further explore potential settlement of this action, the Parties
26 stipulated on July 18, 2014 to extend Defendant’s deadline to file its opposition to the Motion until
27 Friday, August 15, 2014 and Plaintiffs’ deadline to file their reply to the Motion until Friday,
28 September 5, 2014;

1 WHEREAS, after holding a telephonic settlement conference with defense counsel on
2 January 5, 2015, Magistrate Corley continued the Global Settlement Conference until January 20,
3 2015;

4 WHEREAS, under Magistrate Corley's continuation to January 20, 2015, the Global
5 Settlement Conference is now scheduled for five days after the January 15, 2015 deadline set forth in
6 this Court's October 29 Order;

7 WHEREAS, an extension of the deadlines set forth in the Court's October 29 Order is
8 necessary to accommodate the Global Settlement Conference and any necessary follow-up work
9 related to settlement;

10 WHEREAS, no Party will be prejudiced by the relief requested in the stipulation;

11 WHEREAS, this stipulation is without prejudice to, or waiver of, any rights or
12 defenses otherwise available to the Parties in this action;

13 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between the
14 parties hereto that:

- 15 1) Plaintiffs' shall have through and including **March 2, 2015** to re-notice their Motion for
16 Summary Judgment or, alternatively, the Parties shall have through and including **March**
17 **2, 2015** to file a Stipulation of Dismissal;
- 18 2) Should Plaintiffs re-notice their Motion for Summary Judgment, Defendant shall have
19 through and including **April 1, 2015**, to file its opposition to Plaintiffs' Motion;
- 20 3) Should Plaintiffs re-notice their Motion for Summary Judgment, Plaintiffs shall have
21 through and including, **April 22, 2015** to file their reply in support their Motion; and
- 22 4) Should Plaintiffs re-notice their Motion for Summary Judgment, the hearing on the
23 Motion shall be scheduled for **Thursday, May 7, 2015** or as soon thereafter as the court
24 has availability.

1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

2 Dated: January 15, 2015

3 Respectfully submitted,

4 By: /s/ Mark D. Peterson

5 Mark D. Peterson

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12 *Attorneys for Plaintiffs*

13 *The Phoenix Insurance Company, The*

14 *Travelers Indemnity Company, The Travelers*

15 *Indemnity Company of Connecticut, and*

16 *Travelers Property Casualty Company of*

17 *America*

18 Dated: January 15, 2015

19 Respectfully submitted,

20 By: /s/ Nicole L. Chessari

21 Michael T. Jones (SBN 661336)

22 Nicole L. Chessari (SBN 259970)

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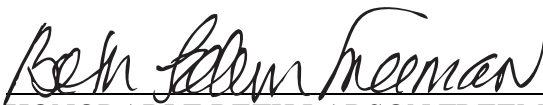
28 *Attorneys for Defendant*

Nuance Communications, Inc.

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2 Plaintiffs shall re-notice their Motion for Summary Judgment for hearing on May 14, 2015.

3 DATED: January 15, 2015

4 

5 HONORABLE BETH LABSON FREEMAN

6 United States District Judge