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Attorneys for Plaintiff & the putative class
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18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **OAKLAND DIVISION**

21 MARA BERTON, on behalf of herself and all
22 others similarly situated,
23 Plaintiff,

24 v.

25 AETNA INC. and AETNA LIFE
26 INSURANCE COMPANY,
27 Defendants.

Case No. 4:23-cv-01849-HSG

**STIPULATION TO EXTEND
BRIEFING SCHEDULE RE: MOTION
TO DISMISS**

1 Michelle Banker (admitted *pro hac vice*)
2 Alison Tanner (admitted *pro hac vice*)
3 Noel León (admitted *pro hac vice*)
4 Sudria Twyman (admitted *pro hac vice*)
5 Sunu Chandy (renewed *pro hac vice*
6 application pending)
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16 *Attorneys for Plaintiff & the putative class*

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1 Pursuant to Civil Local Rule 6-1(a), Plaintiff Mara Berton (“Berton”) and Defendants
2 Aetna Inc. and Aetna Life Insurance Inc. (“Aetna”) (collectively, the “Parties”), by and through
3 their undersigned counsel, hereby stipulate as follows:

4 WHEREAS, by order dated May 30, 2023 (ECF No. 33), the Court granted the Parties’
5 Stipulation to Extend Time to Respond to Complaint and set the following deadlines for briefing
6 on a motion to dismiss:

- 7 • Opening Motion by July 17, 2023;
- 8 • Opposition by August 21, 2023;
- 9 • Reply by September 14, 2023; and
- 10 • Motion hearing set for September 28, 2023;

11 WHEREAS, by order dated July 14, 2023 (ECF No. 35), the Court reset the motion to
12 dismiss hearing for October 12, 2023 at 2:00 p.m.;

13 WHEREAS, the Parties have met and conferred and agree that in light of motion hearing
14 date being continued, a short extension of the briefing deadlines is appropriate;

15 THEREFORE, IT IS HEREBY STIPULATED AND AGREED that the briefing
16 deadlines on a motion to dismiss be continued as follows:

- 17 • Opening Motion by July 24, 2023;
- 18 • Opposition by September 1, 2023;
- 19 • Reply by September 25, 2023; and
- 20 • Motion hearing set for October 12, 2023

21 The Parties respectfully request that the Court enter the [Proposed] Order filed herewith,
22 which reflects the terms of this Stipulation.

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1 Respectfully submitted,

2 Dated: July 16, 2023

O'MELVENY & MYERS LLP

3 /s/ Susannah K. Howard

4 Susannah K. Howard
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Attorneys for Defendant Aetna Inc. and Aetna Life Insurance Inc.

9 Dated: July 16, 2023

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11 /s/ Connie K. Chan

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Attorneys for Plaintiff & the putative class

SIGNATURE ATTESTATION

18 Pursuant to Local Rule 5-1(h)(3) regarding signatures, I, Susannah K. Howard, hereby
19 attest that concurrence in the filing of this document has been obtained from the other signatory to
20 this document.
21

22 /s/ Susannah K. Howard
23 Susannah K. Howard

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23 AETNA INC. and AETNA LIFE
24 INSURANCE COMPANY,

Defendants.

Case No. 4:23-cv-01849-HSG

**[PROPOSED] ORDER GRANTING
STIPULATION TO EXTEND
BRIEFING SCHEDULE RE: MOTION
TO DISMISS**

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28 **[PROPOSED] ORDER GRANTING
STIPULATION TO EXTEND BRIEFING
SCHEDULE RE: MOTION TO DISMISS
CASE NO. 4:23-CV-01849-HSG**

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Pursuant to the Parties’ stipulation and for good cause shown, the Court hereby orders that the briefing deadlines on the motion to dismiss are continued as follows:

- Opening Motion by July 24, 2023;
- Opposition by September 1, 2023;
- Reply by September 25, 2023; and
- Motion hearing set for October 12, 2023.

IT IS SO ORDERED.

Date: _____

 Hon. Haywood S. Gilliam, Jr.
 District Court Judge
 U.S. District Court for the Northern District
 of California