

EXHIBIT D

TO

**DECLARATION OF SHERRI SOKELAND KAISER IN SUPPORT OF MOTION TO
ENLARGE TIME TO RESPOND TO FIRST AMENDED COMPLAINT AND EXCEED
OTHERWISE APPLICABLE PAGE LIMITS**



Jackson v. SF

C.D. Michel

to:

'Sherri Kaiser'

09/15/2010 06:08 PM

Cc:

"Clint B. Monfort", "Hillary J. Green", "Glenn S. McRoberts"

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1 Attachment



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Sherri,

Based on our litigation schedule and according to local rules, we have been looking at possible dates to have our MSJ heard.

As you pointed out, FRCP 56(c)(1)(B) generally gives you 21 days after the motion is served or a responsive pleading is due, whichever is later, to file your opposition to an MSJ. As I'm sure you are aware however, this rule authorizes courts to alter this timeline through local rules or by court order. Local Rule 7-3 requires opposition to any motion to be filed not less than 21 days before the hearing date. And because Local Rule 7-2 also requires notice of the motion to be served not less than 35 days before the hearing, you will have 14 days to file your opposition once we file our MSJ.


Regardless, we are currently looking at a hearing date of December 2nd -- which is still more than 21 days out from when your responsive pleading is due, so this should alleviate any of your concerns.

Because available dates are filling up quickly, we have tentatively reserved this date for the hearing on our MSJ and intend to file by October 28th in accordance with local rules. By our calculations, this would set your opposition due date at November 11th.

Would that work for you?

Thanks,

Chuck

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