

1 As the Court ordered during the May 1 status conference, counsel have met and conferred
2 regarding the parties' respective motions for partial summary judgment. Each side has filed its
3 motion. Portions of these motions overlap and counsel agree that the overlapping issues will be
4 fully briefed when opposition papers are filed. Neither party will submit a reply brief regarding the
5 overlapping arguments. Each party has raised some arguments not raised by the other side,
6 however. Counsel believe short reply briefs would assist the Court in evaluating these arguments.
7

8 Counsel are not sure whether the Court intended that we seek leave to submit such briefs.
9 To be certain that we comply with the Court's intention, we hereby seek leave for each party to file
10 a reply brief of no more than 10 pages, devoted to non-overlapping issues.

11 Respectfully submitted,

12 DATED: November 9, 2009
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14 By _____ /s/

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