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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL GONG-CHUN, individually and  
on behalf of other members of the general  
public similarly situated,

CASE NO. 1:09-cv-01995-AWI-SKO

Plaintiff,

**ORDER SETTING STATUS  
CONFERENCE**

v.

AETNA LIFE INSURANCE COMPANY,  
et al.,

Defendants.

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On May 17, 2010, this case was stayed pending the California Supreme Court's decision in *Brinker Restaurant Corp. v. Superior Court* ("*Brinker*"), 80 Cal. Rptr. 3d 781 (Cal. Ct. App. 2008), *petition for review granted*, 85 Cal. Rptr. 3d 688, 196 P.3d 216. Oral argument in *Brinker* was heard by the California Supreme Court on November 8, 2011, and the matter has been submitted for decision. Pursuant to the California Supreme Court's internal operating procedures,<sup>1</sup> a decision will issue on or before February 6, 2012.

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<sup>1</sup> See Internal Operating Practices and Procedures of the California Supreme Court 23 (2007 ed.) ("The court files its written opinion within 90 days after oral argument."), available at [http://www.courts.ca.gov/documents/2007\\_Supreme\\_Court\\_Booklet.pdf](http://www.courts.ca.gov/documents/2007_Supreme_Court_Booklet.pdf).

1 In light of this, a status conference shall be held on **March 8, 2012, at 9:30 a.m. in**  
2 **Courtroom 7**, to assess whether the stay should be lifted and to address scheduling deadlines. The  
3 parties shall file a Joint Scheduling Report on or before March 1, 2012, that complies with the  
4 instructions set forth in the November 13, 2009, order at docket number 7. The Joint Scheduling  
5 Report shall be electronically filed on CM/ECF, and a conforming copy shall be emailed in  
6 WordPerfect or Word format to [skoorders@caed.uscourts.gov](mailto:skoorders@caed.uscourts.gov).

7 If any or all of the parties wish to appear telephonically at the status conference, they must  
8 note their request to appear telephonically in the caption of the Joint Scheduling Report. To appear  
9 telephonically, the parties are required to coordinate one conference call to (559) 499-5790 at the  
10 appointed time and date for the conference.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. A status conference is SET for March 8, 2012, in Courtroom 7, at 9:30 a.m.;
- 13 2. The parties shall file a Joint Scheduling Report on or before March 1, 2012; and
- 14 3. A copy of the Joint Scheduling Report shall be emailed to  
15 [skoorders@caed.uscourts.gov](mailto:skoorders@caed.uscourts.gov) on or before March 1, 2012.

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17 IT IS SO ORDERED.

18 **Dated:** November 28, 2011

19 /s/ Sheila K. Oberto  
20 UNITED STATES MAGISTRATE JUDGE  
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