

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 KEITH WARKENTIN,

12 Plaintiff,

13 v.

14 FEDERATED LIFE INSURANCE
15 COMPANY,

16 Defendant.

Case No. 1:10-cv-00221-SAB

ORDER SETTING STATUS CONFERENCE

17
18 On December 2, 2014, the Ninth Circuit issued its memorandum decision remanding this
19 action to this Court and directing the Court to address three issues: 1) whether the Court should
20 exercise its discretion as to whether Plaintiff Keith Warkentin (“Plaintiff”) established excusable
21 neglect for the late-filed opposition to Defendant Federated Life Insurance Company’s
22 (“Defendant”) motion for summary judgment, 2) whether the Court should exercise its discretion
23 as to whether Defendant’s proposed undisputed facts should be deemed admitted or instead take
24 other action, such as allowing the entry of the late-submitted factual material while providing
25 Defendant with time to respond, and 3) whether Defendant is entitled to summary judgment on
26 its rescission claim.

27 In accordance with the Ninth Circuit’s decision, the Court will set a status conference to
28 establish a briefing schedule for the parties to submit arguments on those three issues.

1 Accordingly, it is HEREBY ORDERED that the parties shall appear for a status
2 conference on **December 16, 2014 at 9:30 a.m.** in Courtroom 9 (SAB) before United States
3 Magistrate Judge Stanley A. Boone. The parties should come prepared with proposed dates for a
4 briefing schedule. The parties may appear telephonically if requested in advance of the hearing
5 date.

6
7 IT IS SO ORDERED.

8 Dated: **December 5, 2014**


UNITED STATES MAGISTRATE JUDGE