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

KEITH WARKENTIN,

Plaintiff,

v.

FEDERATED LIFE INSURANCE  
COMPANY, et al.,

Defendants.

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

ORDER SETTING BRIEFING SCHEDULE

On December 16, 2014, the Court held a status conference in this matter to set a briefing schedule on the issues set forth in the Ninth Circuit’s December 2, 2014 memorandum decision remanding this action back to this Court. The Court sets the following briefing and hearing schedule on the issues regarding 1) whether the Court should exercise its discretion as to whether Plaintiff Keith Warkentin (“Plaintiff”) established excusable neglect for the late-filed opposition to Defendant Federated Life Insurance Company’s (“Defendant”) motion for summary judgment, 2) whether the Court should exercise its discretion as to whether Defendant’s proposed undisputed facts should be deemed admitted or instead take other action, such as allowing the entry of the late-submitted factual material while providing Defendant with time to respond, and 3) whether Defendant is entitled to summary judgment on its rescission claim.

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1 It is HEREBY ORDERED that:

- 2 1. Plaintiff and Defendant shall file their respective opening briefs, as noted at the  
3 hearing, on the issues delineated above on or before January 30, 2015;
- 4 2. The parties shall file opposition briefs on or before February 13, 2015;
- 5 3. The parties shall file reply briefs, if any, on or before February 27, 2015; and
- 6 4. The Court sets a hearing on the matter for March 18, 2015 at 10:00 a.m. in  
7 Courtroom 9 (SAB) before United States Magistrate Judge Stanley A. Boone.

8 IT IS SO ORDERED.

9 Dated: December 16, 2014

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12 UNITED STATES MAGISTRATE JUDGE