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17 Attorneys for Plaintiffs FRISCO HONNEVK and
18 BOUALAI VONGPHACHANH

19 UNITED STATES DISTRICT COURT
20 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

21 FRISCO HONNEVK, BOUALAI
22 VONGPHACHANH,

23 Plaintiffs,

24 vs.

25 FARMERS NEW WORLD LIFE
26 INSURANCE COMPANY,

27 Defendant.

CASE NO. 1:11-CV-01531-AWI-DLB
Hon. Anthony W. Ishii
Courtroom 2

**STIPULATION AND ORDER
REGARDING TIME FOR
DISPOSITIVE MOTIONS**

Trial Date: March 13, 2013

28 **TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL
PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:**

WHEREAS, on or about October 20, 2012, at the deposition of non-party witness Paul Sayavong, counsel for FARMERS NEW WORLD LIFE INSURANCE COMPANY

1 ("FNWL") initiated "meet and confer" proceedings with plaintiffs' counsel believing that this
2 case is amendable to summary judgment;

3 WHEREAS, at the conclusion of the first session of the deposition of plaintiff
4 BOUALAI VONGPHACHANH on October 10, 2012, counsel for defendant FNWL
5 informed plaintiffs' counsel of his thinking that this case was now amendable to disposition
6 by way of a motion for summary judgment, pursuant to *Federal Rules of Civil Procedure*,
7 Rule 56, et seq., and that therefore the parties had to meet and confer in order to prepare a
8 Joint Separate Statement of Undisputed Facts as required by this Court's Rule 16 Scheduling
9 Order ; and

10 WHEREAS, at the conclusion of the Saturday, October 20, 2012, deposition of non-
11 party witness Paul Sayavong, counsel for defendant FNWL renewed his effort to meet and
12 confer with plaintiffs' counsel in the preparation of a Joint Separate Statement of Undisputed
13 Facts;

14 WHEREAS counsel for plaintiffs informed counsel for defendant FNWL that in light
15 of testimony offered by non-party witness Paul Sayavong, he needed additional time to seek
16 production of previously unknown documents, and that pursuant to *Federal Rules of Civil*
17 *Procedure*, Rule 56(d), he would ask this Court for additional time to conduct discovery;

18 WHEREAS in order to avoid motion practice on plaintiffs' counsel's desire for
19 additional time to conduct sufficient discovery in order to respond appropriately to defendant
20 FNWL's contemplated motion for summary judgment, counsel for defendant FNWL agreed
21 with plaintiffs' counsel to extend the deadlines to (1) conclude non-expert discovery; (2)
22 designate experts; (3) conduct expert discovery; and (4) file motion(s) for summary judgment
23 as follows:

24 **IT IS HEREBY STIPULATED** by and between plaintiffs FRISCO HONNEVK and
25 BOUALAI VONGPHACHANH, on the one hand, and defendant FARMERS NEW WORLD
26 LIFE INSURANCE COMPANY, on the other, by and through their respective counsel of
27 record, that:
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- (1) The present non-expert deadlines shall be continued 45 days from November 2, 2012, to *December 17, 2012*;
- (2) The present expert discovery cut off shall be continued for 45 days from November 30, 2012, to *January 14, 2013*;
- (3) The present cut off date for filing dispositive motions shall be continued 60 days from November 2, 2012, to *January 2, 2013*;
- (4) The present cut off date for hearing dispositive motions shall be continued 60 days from December 10, 2012, to *February 8, 2013*.

IT IS FURTHER STIPULATED that this Stipulation may be executed by facsimile and in counterparts.

IT IS SO STIPULATED.

DATED: October ____, 2012 **MURCHISON & CUMMING, LLP**

Bv: _____
 William D. Naeve
 Attorneys for Defendant, FARMERS NEW
 WORLD LIFE INSURANCE COMPANY

DATED: October . 2012 **TIMOTHY I. MARKS & ASSOCIATES**

Bv: _____
 TIMOTHY I. MARKS
 Attorneys for Plaintiffs FRISCO HONNEVK and
 BOUALAI VONGPHACHANH

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ORDER

Based on the Stipulation of counsel, and GOOD CAUSE APPEARING THEREFOR,

- (1) The present non-expert deadlines shall be continued 45 days from November 2, 2012, to *December 17, 2012*;
- (2) The present expert discovery cut off shall be continued for 45 days from November 30, 2012, to *January 14, 2013*;
- (3) The present cut off date for filing dispositive motions shall be continued 60 days from November 2, 2012, to *January 2, 2013*;
- (4) The present cut off date for hearing dispositive motions shall be continued 60 days from December 10, 2012, to *February 8, 2013*.
- (5) The previously set pretrial hearing and trial dates are vacated.

IT IS SO ORDERED.

Dated: October 31, 2012

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE