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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

**SECOND AMENDED STIPULATION
AND ORDER REGARDING TIME
FOR DISPOSITIVE MOTIONS
CONTINUING PRETRIAL AND
TRIAL DATES**

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

1 WHEREAS, on or about October 20, 2012, at the deposition of non-party witness Paul
2 Sayavong, counsel for FARMERS NEW WORLD LIFE INSURANCE COMPANY
3 ("FNWL") initiated "meet and confer" proceedings with plaintiffs' counsel believing that this
4 case is amendable to summary judgment;

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

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

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

20 WHEREAS, on October 30, 2012, the parties filed a Stipulation and [Proposed] Order
21 Regarding Time for Dispositive Motions, and on October 30, 2012, Judge Dennis L. Beck
22 signed the Order. However, the agreement to extend the November 2, 2012 deadline to
23 designate expert witnesses was *erroneously omitted*. Accordingly this Stipulation is amended
24 to also include this extended deadline.

25 WHEREAS, in order to avoid motion practice on plaintiffs' counsel's desire for
26 additional time to conduct sufficient discovery in order to respond appropriately to defendant
27 FNWL's contemplated motion for summary judgment, counsel for defendant FNWL agreed
28

1 with plaintiffs' counsel to extend the deadlines to (1) conclude non-expert discovery; (2)
2 conduct expert discovery; (3) file and hear dispositive motions; and (4) designate experts; as
3 well as (5) continue the Mandatory Scheduling Conference, (6) the Pretrial Conference, and
4 (7) the Trial date, as follows:

5 **IT IS HEREBY STIPULATED** by and between plaintiffs FRISCO HONNEVK and
6 BOUALAI VONGPHACHANH, on the one hand, and defendant FARMERS NEW WORLD
7 LIFE INSURANCE COMPANY, on the other, by and through their respective counsel of
8 record, that:

- 9 (1) The present non-expert discovery cut off shall be continued from November 2,
10 2012, to **December 17, 2012**;
- 11 (2) The present deadline for expert designation shall be continued from
12 November 2, 2012, to **January 12, 2013**;
- 13 (3) The present cut off date for filing dispositive motions shall be continued from
14 November 2, 2012, to **February 8, 2013**;
- 15 (4) The present cut off date for hearing dispositive motions shall be continued from
16 December 10, 2012, to **March 18, 2013**
- 17 (5) The present expert discovery cut off shall be continued from November 30,
18 2012, to **March 31, 2013**;
- 19 (6) The present Mandatory Scheduling Conference shall be continued from
20 November 15, 2012, to **March 7, 2013**;
- 21 (7) The present Pre-Trial Conference date shall be continued from February 1,
22 2013, to **May 3, 2013**;
- 23 (8) The present Trial date shall be continued from March 26, 2013, to **June 11,**
24 **2013.**

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

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IT IS SO STIPULATED.

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

By: /S/
William D. Naeve
Attorneys for Defendant, FARMERS NEW
WORLD LIFE INSURANCE COMPANY

///
DATED: November ____, 2012 **TIMOTHY I. MARKS & ASSOCIATES**

By: /S/
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 discovery cut off shall be continued from November 2, 2012, to ***December 17, 2012***;
- (2) The present deadline for expert designation shall be continued from November 2, 2012, to ***January 12, 2013***;
- (3) The present cut off date for filing dispositive motions shall be continued from November 2, 2012, to ***February 8, 2013***;
- (4) The present cut off date for hearing dispositive motions shall be continued from December 10, 2012, to ***March 18, 2013***
- (5) The present expert discovery cut off shall be continued from November 30, 2012, to ***March 31, 2013***;
- (6) The present Mandatory Scheduling Conference shall be continued from November 15, 2012, to ***March 7, 2013***;
- (7) The present Pre-Trial Conference date shall be continued from February 1, 2013, to ***May 3, 2013***;
- (8) The present Trial date shall be continued from March 26, 2013, to ***June 11, 2013***.

IT IS SO ORDERED.

Dated: November 8, 2012



UNITED STATES DISTRICT JUDGE