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NATIONWIDE MUTUAL INSURANCE COMPANY

15 **IN THE UNITED STATES DISTRICT COURT**  
16 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

17 WANDA A. SELL, individually and a  
Trustee of the Nancy A. Muhs Trust,

18 Plaintiffs,

19 vs.

20 NATIONWIDE MUTUAL  
INSURANCE COMPANY, and  
DOES 1 through 10, inclusive,

21 Defendants

**CASE NO. 2:09-cv-01584-GEB-GGH**

*Assigned to Honorable Garland E. Burrell, Jr.*

**STIPULATION AND [PROPOSED]  
ORDER TO TAKE DEPOSITIONS  
AFTER DISCOVERY CUT-OFF**

Discovery Cut-off: 9/10/10

Pre-Trial Conference: 12/6/10

Trial: 3/22/11

24 Defendant, Nationwide Mutual Insurance Company (“Nationwide”), and  
25 Plaintiff, Wanda A. Sell (“Plaintiff”), through their respective counsel of record,  
26 jointly submit the following stipulation and order, pursuant to Federal Rules of  
27 Civil Procedure 29, to take the following depositions after discovery cut-off:

1           1.       WHEREAS, Pursuant to the Minute Order filed on June 21, 2010,  
2 amending the scheduling order, discovery cut-off in this action is September 10,  
3 2010.

4           2.       WHEREAS, on or about August 17, 2010, Nationwide served a  
5 deposition subpoena on Jerrald K. Pickering, Sr., setting Mr. Pickering's  
6 deposition for September 3, 2010.

7           3.       WHEREAS, on August 18, 2010, Mr. Pickering notified Nationwide's  
8 counsel he is not available on September 3, 2010, because he will be out of the  
9 state on a long planned vacation.

10          4.       WHERAS, on August 25, 2010, Mr. Pickering provided Nationwide's  
11 counsel with alternative dates of availability to reschedule his deposition in the end  
12 of October 2010.

13          5.       WHEREAS, on August 26, 2010, counsel for Plaintiff and  
14 Nationwide discussed Mr. Pickering's unavailability until the end of October 2010,  
15 after the September 10, 2010, discovery cut-off date, and agreed to stipulate to take  
16 Mr. Pickering's deposition after discovery cut-off upon approval from the Court.

17          6.       WHEREAS, the parties are in the process of confirming a mutually  
18 available date for the deposition of Mr. Pickering in October based on the  
19 availability provided by Mr. Pickering.

20          7.       WHEREAS, Plaintiff has noticed the deposition, pursuant to the  
21 agreement of the parties, of Nationwide's expert Boyd Veenstra. In order to  
22 accommodate the schedule of Mr. Veenstra, as well as counsel, the parties have  
23 stipulated and agreed to take Mr. Veenstra's deposition after discovery cut-off  
24 upon approval of the Court.

25          8.       WHEREAS, it is, therefore, agreed and stipulated that the depositions  
26 of Jerrald K. Pickering, Sr., and Boyd Veenstra be taken after the September 10,  
27 2010, discovery cut-off date in this action.

1           9.       WHEREAS, the parties further stipulate and agree that they enter into  
2 this stipulation without prejudice to the right of either party to seek judicial relief  
3 from the Court for good cause to take any additional depositions and/or conduct  
4 any additional discovery beyond the discovery cut-off date in this matter.

5           **IT IS SO STIPULATED.**

6  
7 Dated: August \_\_, 2010           **GIFFORD & HARR**

8  
9   By: \_\_\_\_\_  
10   Randall L. Harr  
11   Attorney for Plaintiff  
12   WANDA A. SELL

13 Dated: August \_\_, 2010           **HINES SMITH CARDER DINCEL BLAND**

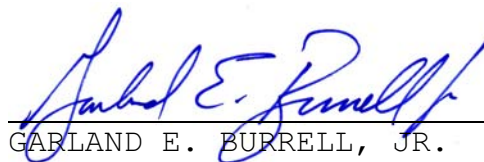
14  
15   By: \_\_\_\_\_  
16   Marc S. Hines  
17   Christine M. Emanuelson  
18   Attorneys for Defendant  
19   NATIONWIDE MUTUAL INSURANCE  
20   COMPANY

21   **[PROPOSED] ORDER**

22           Based on the foregoing Stipulation, the discovery completion date for the  
23 depositions of Jerrald K. Pickering, Sr. and Boyd Veenstra is October 29, 2010.

24           **IT IS SO ORDERED.**

25 Dated: 8/31/10

26     
27   \_\_\_\_\_  
28   GARLAND E. BURRELL, JR.  
   United States District Judge