

CHRISTOPHER H. WHELAN, INC.
Christopher H. Whelan (SBN 80823)
11246 Gold Express Drive, Suite 100
Gold River, California 95670
Telephone: (916) 635-5577
Facsimile: (916) 635-9159

Attorneys for Plaintiff,
LINDA K. DESROSIERS

JACKSON LEWIS LLP
ROBERT J. SCHNACK (SBN 191987)
JERRY J. DESCHLER JR. (SBN 215691)
801 K Street, Suite 2300
Sacramento, CA 95814
Telephone: (916) 341-0404
Facsimile: (916) 341-0141

Attorneys for Defendants
THE HARTFORD aka HARTFORD FIRE
INS. CO. And HARTFORD FINANCIAL
SERVICES GROUP, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LINDA K. DESROSIERS,

Plaintiff,

v.

THE HARTFORD aka HARTFORD
FIRE INS. CO., HARTFORD
FINANCIAL SERVICES GROUP,
INC., and DOES 1 through 20,
inclusive,

Defendants.

) Case No. 2:09-cv-02057-MCE-GGH

)

) **STIPULATION AND JOINT APPLICATION**
) **TO CONTINUE THE HEARING DATE FOR**
) **DEFENDANTS SUMMARY JUDGMENT**
) **MOTION OR IN THE ALTERNATIVE**
) **PARTIAL SUMMARY JUDGMENT DUE TO**
) **HEALTH RELATED ISSUES FOR**
) **PLAINTIFF'S COUNSEL'S FAMILY**
) **MEMBERS**

) **ORDER THEREON**

)

) Complaint Filed: January 26, 2009

) Trial Date: January 6, 2014

Pursuant to Federal Rule of Civil Procedure 16(b)(4), and for good cause shown, Plaintiff

Linda K. DesRosiers ("Plaintiff") and Defendants The Hartford aka Hartford Fire Ins. Co. and
Hartford Financial Services Group, Inc. (collectively hereinafter "Defendants"), through their

1 respective counsel of record, hereby stipulate and jointly request that the Court continue the present
2 hearing date for defendants Motion for Summary Judgment or in the alternative Partial Summary
3 Judgment from February 21, 2013 to March 21, 2013. This twenty eight day (28) requested extension of
4 the hearing date and all related dates (Opposition and Reply)will not impact the trial date or any other
5 deadlines, and will still allow these dispositive motions to be heard approximately ten months before trial.

6 THE PARTIES HEREBY STIPULATE AS FOLLOWS:

7 WHEREAS this matter has recently been set for trial on January 14, 2014.

8 WHEREAS per a prior extension the hearing date was set for February 21, 2013.

9 WHEREAS this twenty eight (28) day extension has become necessary because Plaintiff's
10 counsel, a sole practitioner, has had to virtually shut down his practice for the last three weeks to be with
11 his 86 year old mother who has been in St. Agnes hospital in Fresno, California as a result of a stroke.
12 Her hospital stay has included long stays in and out of ICU twice as a result of the combination of
13 breathing, heart problems and brain damage caused by the stroke. Plaintiff counsel, his brother and
14 sisters are providing 24 hour assistance and watch for his mother in the hospital during this period, which
15 could go on for a number of weeks at least. This intense care is necessary since Plaintiff's counsel's
16 mother is constantly trying to climb out of bed to go home and/or take off her breathing devices. This 24
17 watch is also necessary to back up the busy nurses, who because of confusion in the record administered
18 the wrong medicine during a brief break in the watch causing about a day and a half of a near coma state.
19 Plaintiff's counsel's shifts in this watch have been 13 to 19 hours per day. This schedule has made it
20 impossible to read, much less respond, to the motion.

21 Consequently, good cause exists for continuing the hearing date twenty eight days (28) to
22 March 21, 2013.

23 ///

24 ///

25 ///

26 ///

1 IT IS SO STIPULATED.

2 Dated: January 29, 2013

CHRISTOPHER H. WHELAN, INC.

3 By: _____/S/ Christopher H. Whelan

4 Christopher H. Whelan
5 Attorneys for Plaintiff
LINDA K. DESROSIERS

6 Dated: January 28, 2013

JACKSON LEWIS LLP
By: _____/S/ Jerry J. Deschler, JR.

7
8 ROBERT J. SCHNACK
JERRY J. DESCHLER, JR.
9 Attorneys for Defendants
10 THE HARTFORD aka HARTFORD FIRE
INS.CO and HARTFORD FINANCIAL
11 SERVICES GROUP, INC.

12 **ORDER**

13 Having reviewed the parties' stipulation, and good cause appearing therefore,

14 IT IS HEREBY ORDERED The hearing date of February 21, 2013, for Defendant's Motion for
15 Summary Judgment or in the alternative Partial Summary Judgment be continued to March 21, 2013, with
16 all related Opposition and Reply dates based upon that new hearing date.

17 Dated: February 8, 2013

18
19 
20 _____
21 MORRISON C. ENGLAND, JR., CHIEF JUDGE
22 UNITED STATES DISTRICT JUDGE
23
24
25
26
27
28