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27 Attorneys for Defendants  
 28 NEW YORK LIFE INSURANCE CO. INC. and NEW YORK  
 LIFE INSURANCE & ANNUITY CORPORATION

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA

BARBARA HOEY,  
 Plaintiff,  
 vs.  
 NEW YORK LIFE INSURANCE CO.  
 INC., a New York Corporation and NEW  
 YORK LIFE INSURANCE & ANNUITY  
 CORPORATION, a Delaware Corporation,  
 Defendants.

Case No. 2:09-CV-02116-LKK-GGH

**JOINT STIPULATION AND ORDER TO  
 CONTINUE HEARING ON  
 DEFENDANTS' MOTION FOR  
 SUMMARY JUDGMENT**

Current Date: May 9, 2011  
 Proposed Date: June 6, 2011

1 Plaintiff Barbara Hoey (“Plaintiff”) and Defendants New York Life Insurance Co. Inc.  
2 and New York Life Insurance & Annuity Corp. (“Defendants”), by and through their respective  
3 counsel, jointly stipulate to continue the hearing date for Defendants’ Motion for Summary  
4 Judgment, or in the Alternative, Partial Summary Judgment, from May 9, 2011 to June 6, 2011 as  
5 follows:

6  
7 **JOINT STIPULATION**

8 Whereas, Defendants filed a Motion for Summary Judgment, or in the Alternative, Partial  
9 Summary Judgment on April 11, 2011;

10 Whereas, the hearing on Defendants’ Motion for Summary Judgment, or in the  
11 Alternative, Partial Summary Judgment is scheduled for May 9, 2011;

12 Whereas, Plaintiff’s counsel is not available to attend the hearing on May 9, 2011 because  
13 Plaintiff has commenced a trial in Sacramento County Superior Court in the matter entitled  
14 Beauchamp v. Teamsters Local 150, Case No. 34-2009-00060500, in Department 45 before the  
15 Honorable Judy Hersher; and that Judge Hersher has ordered Plaintiff’s counsel to remain in the  
16 trial;

17 Accordingly, Plaintiff and Defendants, by and through their counsel of record, hereby  
18 stipulate to, and request the Court’s approval of, continuing the date for the hearing on the  
19 Defendants’ Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment  
20 from May 9, 2011 to June 6, 2011.

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IT IS SO STIPULATED.

Dated: May 6, 2011

MORGAN, LEWIS & BOCKIUS LLP

By                                 /s/ Melinda S. Riechert                                  
Melinda S. Riechert  
Attorneys for Defendants  
NEW YORK LIFE INS. CO. INC. and  
NEW YORK LIFE INS. & ANNUITY  
CORPORATION

Dated: May 6, 2011

THE VELEZ LAW FIRM


By                                 /s/ Mark P. Velez                                  
Mark P. Velez  
Attorneys for Plaintiff  
BARBARA HOEY

**[PROPOSED] ORDER**

In light of the Parties' stipulation, and good cause appearing, the hearing on Defendants' Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment is hereby continued from May 9, 2011 to June 6, 2011 at 10:00 a.m.

**IT IS SO ORDERED.**

Dated: May 6, 2011

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT