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 7 MUTUAL OF OMAHA
 INSURANCE COMPANY

8
 9 **UNITED STATES DISTRICT COURT**
 10 **EASTERN DISTRICT OF CALIFORNIA**
 11 **SACRAMENTO DIVISION**

13 SANDRA C. MCCOLGAN,

14 Plaintiff,

15 vs.

16 MUTUAL OF OMAHA INSURANCE
 17 COMPANY,

18 Defendants.
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) **CASE NO.: 2:13-CV-02417-JAM-DAD**
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)

) **STIPULATION AND ORDER**
) **CONTINUING DEADLINE FOR EARLY**
) **MEETING OF COUNSEL AND FILING**
) **OF JOINT CMC STATEMENT**

) Complaint Filed: September 6, 2013
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)
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1 Plaintiff Sandra D. McColgan (“Plaintiff”) and Defendant Mutual of Omaha
2 Insurance Company (“Mutual of Omaha”) (collectively “the Parties”), through their
3 counsel of record, stipulate as follows:

4 RECITALS

5 1. Mutual of Omaha removed this action from state court to this Court on
6 November 20, 2013. Pursuant to Judge Mendez’s Initial Scheduling Order, the Parties
7 were required to complete their early meeting of counsel and submit a joint CMC
8 Statement within 60 days of removal, which was January 17, 2014.

9 2. On November 26, 2013, Mutual of Omaha filed a Motion to Dismiss
10 pursuant to FRCP 12(b)(6). The hearing on that motion was originally scheduled for
11 January 22, 2014.

12 3. On January 9, 2014, the Parties stipulated to extend the deadline to
13 complete the EMC and submit a joint CMC Statement from January 17, 2014 to February
14 27, 2014, after the scheduled hearing date on the Motion to Dismiss.

15 4. On January 16, 2014, the Court issued a Minute Order stating that the
16 Motion to Dismiss would be submitted without appearance and without argument
17 pursuant to Local Rule 230(h). The Court has not yet ruled on the motion.

18 5. Mutual of Omaha prefers to wait for a ruling on the Motion to Dismiss
19 before having the early meeting with counsel and submitting a CMC Statement since, if
20 granted, this will not be necessary, and if denied, the Court’s Order may assist the Parties
21 in their discussion of scheduling. Plaintiff is agreeable to the continuance.

22 6. The extension will not affect any other scheduled deadlines. The Parties
23 do not currently anticipate the need for further continuances.

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STIPULATION

The Parties hereby stipulate that the deadline to complete their early meeting of counsel and submit a joint CMC Statement is extended from February 27, 2014 to March 27, 2014.

SO STIPULATED:

Dated: February 03, 2014

BARGER & WOLEN LLP

By: /s/ J. Russell Stedman
J. RUSSELL STEDMAN
PETER J. FELSENFELD
Attorney for Defendant
MUTUAL OF OMAHA INSURANCE
COMPANY

Dated: February 03, 2014

BARR & MUDFORD, LLP

By: /s/ John Douglass Barr
JOHN DOUGLASS BARR
TROY DOUGLAS MUDFORD
DAVID LEE CASE
ESTEE LEWIS
Attorneys for Plaintiff, SANDRA
MCCOLGAN

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ORDER

The Parties, by and through their counsel of record, have stipulated that the deadline to complete their early meeting of counsel and submit a joint CMC Statement be extended from February 27, 2014 to March 27, 2014.

Satisfactory proof having been shown and good cause appearing,
PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: 2/4/2014

/s/ John A. Mendez
The Honorable John A. Mendez
United States District Court Judge