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14 Attorneys for Defendant
RICHARD SULLIVAN

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

18 DAVID E. FINKELSTEIN, M.D.,

19 Plaintiff,

20 v.

21 THE GUARDIAN LIFE INSURANCE
COMPANY OF AMERICA, RICHARD
22 SULLIVAN, COLT EMPLOYEE BENEFITS
INSURANCE AGENCY, INC., and DOES 1
23 through 20, inclusive,

24 Defendants.

) CASE NO. C 07-01130 CRB

) **JOINT STIPULATION AND [PROPOSED]**
) **ORDER TO CONTINUE TRIAL AND**
) **RELATED DATES**

) **Hon. Charles R. Breyer**

) Trial Date: October 6, 2008
) Action Filed: January 11, 2007

25
26 Plaintiff David E. Finkelstein, M.D. ("plaintiff"), defendant Richard Sullivan ("Sullivan"),
27 and defendant The Guardian Life Insurance Company of America ("Guardian") (collectively, "the
28 Parties"), by and through their respective counsel of record, hereby stipulate and agree as follows:

LEWIS BRISBOIS BISGAARD & SMITH LLP

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WHEREAS, the trial date in the above matter is set for October 6, 2008 at 8:30 a.m. and the pre-trial hearing is set for October 2, 2008 at 2:30 p.m., such that the current deadline for the Parties to serve Motions in Limine is September 12, 2008, and the joint proposed pre-trial order, joint proposed jury instructions, and related filings are currently due on September 25, 2008; and

WHEREAS, plaintiff and Guardian filed cross-motions for judgment pursuant to Rule 52 of the Federal Rules of Civil Procedure and Sullivan filed a Motion for Summary Judgment, or in the Alternative, Motion for Summary Adjudication, all of which were originally set to be heard by this Court on September 5, 2008; and

WHEREAS, the Parties were informed on August 27, 2008 that the hearing on the cross-motions for judgment and motion for summary judgment would be continued by the Court to September 19, 2008; and

WHEREAS, the Parties are in agreement that the outcome of all those motions are likely to resolve, clarify and/or more clearly define the issues remaining to be tried in the case, if any.

Accordingly, the Parties agree that a short continuance would permit the aforesaid motions to be heard prior to the deadlines for pre-trial submissions to the Court.

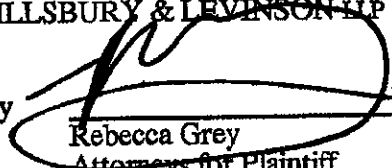
Based upon the foregoing and subject to the Court's availability, the Parties hereto stipulate that the trial date presently set for October 6, 2008 be continued to October 27, 2008.

IT IS SO STIPULATED.

DATED: September 8, 2008

PILLSBURY & LEVINSON LLP

By



Rebecca Grey
Attorneys for Plaintiff
David E. Finkelstein, M.D.

[Signatures Continue on Following Page]

1 DATED: September 8, 2008

LEWIS BRISBOIS BISGAARD & SMITH LLP.

2
3 By



Alex A. Graft
Attorneys for Defendant
RICHARD SULLIVAN

4
5 DATED: September 8, 2008

BURKE, WILLIAMS & SORENSEN LLP

6
7
8 By

//s//
Keiko J. Kojima
Attorneys for defendant The Guardian Life
Insurance Company of America

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11
12 **ORDER**

13 The parties having stipulated, and good cause appearing, the trial in the above action
14 presently set for October 6, 2008 shall be continued to October 27, 2008.

15 All deadlines, imposed by statute, local rules, and the Court's standing orders shall be
16 measured by the new trial date upon its setting.

17 The hearing date for the Parties' cross-motions for judgment and Motion for Summary
18 Judgment, or in the Alternative, Motion for Summary Adjudication shall remain set for
19 September 19, 2008. The pre trial conference is continued to October 21, 2008 at 2:30 p.m.

20 **IT IS SO ORDERED.**

21
22 DATED: September 9, 2008

