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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

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15 STEFANIE COOK AND NATHANIEL)
 COOK,)
 16)
 Plaintiffs,)
 17)
 vs.)
 18)
 USAA GENERAL INDEMNITY)
 19 COMPANY and DOE 1 and DOE 100,)
 inclusive,)
 20)
 Defendants.)
 21)

CASE NO. C-07-4042-SC
 STIPULATION AND REQUEST FOR
 MODIFICATION OF COURT'S
 ORDER SETTING TIMES FOR
 COMPLIANCE WITH CERTAIN
 RULES OF COURT

Complaint Filed: August 6, 2007
 Trial Date: December 8, 2008

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THE PARTIES HEREBY STIPULATE AND RESPECTFULLY REQUEST that
 23 an order issue from this court modifying its ORDER dated January 11, 2008 as follows:

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(1) Trial is set for March 9, 2009 at 9:30 a.m.

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(2) The Pretrial Conference is set for February 20, 2009 at 10:00 a.m.

(3) The last day motions may be heard is January 23, 2009 at 10:00 a.m.

(3) The following motions are continued to November 21, 2008 at 10:00 a.m.:

- Defendant's Motion to Strike Jury Demand
- Defendant's Motion for Judgment on the Pleadings to Dismiss State Law Claims; and
- Defendant's Motion for Summary Judgment.

(4) Because of the unavailability of expert witnesses and counsel for depositions, the Parties further respectfully request that discovery remain open until November 28, 2008 for the purpose of completing a site inspection and the deposition of all experts.

The parties have stipulated to this Request for Continuance for the following reasons:

The plaintiff has been in trial and has been unable to address and/or respond to the Motions made and filed by defendant in this matter, currently scheduled to be heard on October 24, 2008. The plaintiff requires additional time to adequately respond to said motions, and Defendant has no objection to such added time, provided it has sufficient time to prepare reply briefs.

There is insufficient time to bring a motion prior to October 3, 2008, the due date of the opposition briefs which Plaintiff is preparing in relation to the 3 motions brought by Plaintiff.

The primary plaintiff and the defendants percipient witnesses have been deposed. Plaintiffs however, have disclosed 5 expert witnesses which defendants desire to depose,

1 and defendants have disclosed 3 expert witnesses which plaintiffs wish to depose. Due to
 2 the calendar conflicts of both plaintiffs' attorney and defendant's attorney, and the expert
 3 witnesses, it will not be possible for these depositions to be taken prior to the currently
 4 scheduled discovery cut off date.

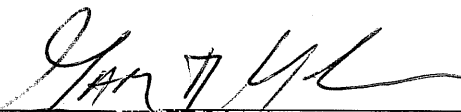
5 A site inspection of the property with available expert witnesses attendance has
 6 been scheduled for October 6, 2008. On Friday, September 26, 2008, the plaintiffs'
 7 attorney advised the defendant's attorney that the plaintiffs will be out of the country on
 8 that date and the site inspection will have to be rescheduled. In checking with expert
 9 witnesses it appears to be impossible to schedule another date until November, 2008 for
 10 this site inspection.

11 The office of Defendant's co-counsel is located in a portion of Louisiana which was
 12 evacuated as a result of hurricane Ike, and consequently, counsel was prevented from
 13 attending to this case during parts of August and September.

14 As good cause for this Stipulation and Request, the parties submit that the
 15 calendars of all counsel have been unusually heavy, which has made compliance with the
 16 deadlines set forth by the court extremely difficult to achieve.

17 Consequently, the parties respectfully request that the court take this Stipulation
 18 and Request into consideration, and reschedule the above-referenced deadlines.

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 20 Respectfully submitted,

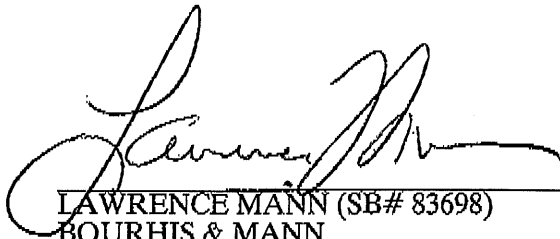
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 22 _____
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 27 Tel: 650-554-6200; Fax: 650-554-6240
 28 Local Counsel for Defendant,
 USAA GENERAL INDEMNITY COMPANY

Dated: 9/30/08.

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Dated:

9/30/08



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Counsel for Plaintiffs
STEFANIE COOK and NATHANIEL COOK

ORDER OF THE COURT

Pursuant to the stipulation of the parties, the trial date and scheduling order are modified as follows:

- (1) Trial is set for March 9, 2009 at 9:30 a.m.
- (2) The Pretrial Conference is set for February 20, 2009 at 10:00 a.m.
- (3) The last day motions may be heard is January 23, 2009 at 10:00 a.m.
- (3) The following motions are continued to November 21, 2008 at 10:00 a.m.:
 - Defendant's Motion to Strike Jury Demand
 - Defendant's Motion for Judgment on the Pleadings to Dismiss State Law Claims; and
 - Defendant's Motion for Summary Judgment.
- (4) Discovery remain open until November 28, 2008 for the limited purposes of completing a site inspection and the deposition of all experts.

IS SO ORDERED:

Dated:

10/1/08

