

1 THOMAS M. HERLIHY (SBN 83615)
 Email: thomas.herlihy@wilsonelser.com
 2 FRANCIS TORRENCE (SBN 154653)
 Email: francis.torrence@wilsonelser.com
 3 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
 4 525 Market Street, 17th Floor
 San Francisco, California 94105
 Telephone: (415) 433-0990
 5 Facsimile: (415) 434-1370
 6 Attorneys for Defendant
 PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY
 7

8 PETER S. SESSIONS (SBN 193301)
 Email: psessions@kantorlaw.net
 9 J. DAVID OSWALT (SBN 73439)
 Email: doswalt@kantorlaw.net
 10 KANTOR & KANTOR, LLP
 19839 Nordhoff Street
 11 Northridge, California 91324
 Telephone: (818) 886-2525
 12 Facsimile: (818) 350-6272

13 Attorneys for Plaintiff
 MARGARET HALL
 14

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN FRANCISCO DIVISION

<p>18 MARGARET HALL,</p> <p>19 Plaintiff,</p> <p>20 vs.</p> <p>21 PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY,</p> <p>22 Defendant</p>	<p>) Case No.: CV 08 0114 CRB</p> <p>) STIPULATED REQUEST FOR ORDER CONTINUING DISPOSITIVE MOTION HEARING DATE</p> <p>) [Local Rule 6-2]</p> <p>) Courtroom: 8 Honorable Charles R. Breyer</p> <p>) First Amended Complaint Filed: October 6, 2008</p>
---	--

23

24

25

26 Pursuant to Local Rule 6-2, defendant Provident Life and Accident Insurance Company

27 (“Provident”) and plaintiff Margaret Hall, through their attorneys of record, hereby submit this

28 stipulated request for an Order continuing the dispositive motion hearing date from May 29, 2009

1 to August 28, 2009, or the Court's next available hearing date.

2 In support of this stipulated request, I, Francis Torrence, do hereby declare:

3 1. I am an attorney at law, over the age of 21 years, and am Of Counsel to Wilson,
4 Elser, Moskowitz, Edelman & Dicker LLP, counsel for Provident Life and Accident Insurance
5 Company ("Provident") herein. I am licensed to practice in all courts in the State of California and
6 have personal knowledge of the facts stated herein, and am competent to testify to the same. The
7 matters set forth herein are true and correct to the best of my knowledge and belief.as follows:

8 2. On or about October 6, 2008, plaintiff Margaret Hall filed a First Amended
9 Complaint in this Court alleging causes of action for breach of contract and breach of the covenant
10 of good faith and fair dealing against Provident;

11 3. On or about October 10, 2008, the Court set the dispositive motion hearing date as
12 May 29, 2009 at 10:00 a.m. Factoring in notice requirements under the Local Rules for this Court,
13 the deadline for filing a dispositive motion is April 24, 2009;

14 4. I am the lead attorney for Provident in this matter. On March 29, 2009, my father,
15 Edward Torrence, unexpectedly suffered a stroke. Upon learning of the stroke, I immediately left
16 for Southern California, where my father was hospitalized.

17 5. On April 3, 2009, my father died. Later that day, my mother (who was already
18 severely infirm) was also admitted to the hospital. Initially it was thought she might be suffering
19 from congestive heart failure, among other conditions, but those are still being investigated.

20 6. My father's funeral took place on April 14, 2009. It is anticipated that I will need to
21 spend further time in Southern California assisting my mother with her new living arrangement
22 when she leaves the hospital. My father was my mother's primary caregiver at the time of his
23 stroke.

24 7. As a result of my unexpected obligations arising from my father's stroke and death,
25 and the related issues with my mother, my professional calendar has been significantly disrupted,
26 both as to this case as well as other cases to which I am assigned. Specifically, my ability to
27 complete discovery in this case has been delayed.

28 8. With the deadline for filing a dispositive motion rapidly approaching, my office

1 requested that counsel for plaintiff Margaret Hall, jointly file a stipulated request to this Court to
2 continue the dispositive motion hearing date by ninety days. On April 21, 2009, plaintiff's counsel
3 agreed to stipulate to said continuance.

4 9. Accordingly, both parties jointly request that this Court continue the dispositive
5 motion hearing date to August 28, 2009, or the Court's next available hearing date.

6 10. There have been no other time modifications in this case. This stipulated date will
7 not alter the date of any event or any deadline already fixed by Court order.

8
9 Date: April 22, 2009

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

11 By: /s/ Francis Torrence
12 FRANCIS TORRENCE
13 Attorneys for Defendant
14 PROVIDENT LIFE AND ACCIDENT
15 INSURANCE COMPANY

14 **SO STIPULATED**

15 Date: April 22, 2009

KANTOR & KANTOR LLP

17 By: /s/ J. David Oswalt
18 J. DAVID OSWALT
19 Attorneys for Plaintiff
20 MARGARET HALL

21 **ORDER**

22 **IT IS SO ORDERED.**

23 Date: April 23, 2009

24 By: _____
25 HONORABLE CHARLES R. BREYER
26 United States District Court

