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 LIFE INSURANCE COMPANY
 OF NORTH AMERICA

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

LIFE INSURANCE COMPANY OF
 NORTH AMERICA,

Plaintiff,

v.

KATHY CLEVELAND, ANTHONY
 PETRU AS TRUSTEE OF THE
 MICHAEL A. PETRU TRUST dated
 11/20/02 and DOES 1 - 10,

Defendants.

CASE NO. CV08-05052 SI

**NOTICE OF SETTLEMENT IN
 PRINCIPLE:
 REQUEST FOR ADDITIONAL TIME RE
 SERVICE OF PROCESS AND
 CONTINUANCE OF THE CASE
 MANAGEMENT CONFERENCE**

Plaintiff Life Insurance Company of North America ("LINA"), hereby notifies this Court that the defendants/claimants to the interpleader proceeds on deposit with the Court have settled their competing claims in principle. The parties need additional time to obtain the approval of the Probate Court of the settlement and for the appointment of a guardian ad litem per the terms of the settlement. The Probate Court hearing is currently set for August 26, 2009. Once the Probate Court approves the settlement, the parties to this action anticipate filing a stipulated

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 453382.1

1 judgment in interpleader with instructions on how the proceeds are to be distributed. Hence, the
2 action should not be dismissed at this time.

3 Currently, the Court has continued the date to complete service of process to July 6,
4 2009. The Court has also set a Case Management Conference for August 7, 2009. In view of the
5 time needed to complete the settlement, LINA requests that this Court extend the time to serve
6 the complaint to September 5, 2009. LINA also requests a continuance of the Case Management
7 Conference to October 9, 2009 or the closest date thereafter as convenient for the Court.

8 RESPECTFULLY REQUESTED:

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10 Date: June 29, 2009

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

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12 By: /s/ Dennis J. Rhodes
13 Adrienne C. Publicover
14 Dennis J. Rhodes
Attorneys for Plaintiff
LIFE INSURANCE COMPANY OF NORTH AMERICA

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16 **ORDER**

17 **PURSUANT TO THIS REQUEST AND FOR GOOD CAUSE APPEARING, IT IS**
18 **HEREBY ORDERED THAT:**

19 The time to serve the complaint is extended to September 5, 2009. The Case
20 Management Conference is continued to October 9, 2009.

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23 Dated: _____

By: 
Honorable Susan Illston
United States District Court Judge