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 OF NORTH AMERICA
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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION
 12

13 LIFE INSURANCE COMPANY OF)
 NORTH AMERICA,)

CASE NO. CV08-05052 SI

14 Plaintiff,)

**REQUEST FOR 60 DAY CONTINUANCE
 OF CASE MANAGEMENT
 CONFERENCE**

15 v.)

16 KATHY CLEVELAND, ANTHONY)
 17 PETRU AS TRUSTEE OF THE)
 MICHAEL A. PETRU TRUST dated)
 18 11/20/02 and DOES 1 - 10,)

19 Defendants.)
 20

21 Plaintiff Life Insurance Company of North America ("LINA"), hereby requests a
 22 continuance of the case management conference currently set for February 13, 2009 for good
 23 cause as follows:

24 LINA filed its complaint in interpleader on November 5, 2008. Since filing the
 25 complaint, LINA has learned that there are additional funds which need to be interpled and
 26 deposited with the Court. LINA has determined that it will be necessary to amend the complaint
 27

1 to encompass the additional funds. However, LINA has not yet received those funds and has not
2 been able to deposit them with the Court. For that reason, LINA has not served the defendants
3 with the original complaint.

4 LINA anticipates receipt of the funds by the end of February 2009, and will amend the
5 complaint accordingly and serve the defendants. Both defendants in this action are aware that
6 LINA is awaiting receipt of the funds, that LINA intends to amended complaint thereafter and
7 that LINA intends to serve the defendants immediately after filing the amended complaint.

8 For these reasons, LINA requests that this Court continue the case management
9 conference to April 13, 2009 or the closest date thereafter as convenient for the Court.

10 RESPECTFULLY REQUESTED:

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12 Date: January 23, 2009

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP


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15 By: /s/ Dennis J. Rhodes
16 Adrienne C. Publicover
17 Dennis J. Rhodes
18 Attorneys for Plaintiff
19 LIFE INSURANCE COMPANY OF NORTH AMERICA

20 **ORDER**

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

23 The Case Management Conference currently set for February 13, 2009, is continued to
24 ~~April 13, 2009.~~ April 10, 2009

25 Dated: _____

26 By: 
27 Honorable Susan Illston
28 United States District Court Judge