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 18 INSITE VISION INCORPORATED  
 19 LONG TERM DISABILITY PLAN

20 UNITED STATES DISTRICT COURT  
 21 NORTHERN DISTRICT OF CALIFORNIA

22 WILLIAM H. SMITH III,  
 23 Plaintiff,  
 24 v.  
 25 INSITE VISION INCORPORATED  
 26 LONG TERM DISABILITY PLAN,  
 27 Defendant.

28 Case No. C 08-5387 EMC

**STIPULATION AND PROPOSED ORDER  
 TO CONTINUE STATUS CONFERENCE**

Plaintiff William H. Smith III and Defendant Insite Vision Incorporated Long Term Disability Plan, by and through their respective counsel of record, hereby stipulate that the Status Conference currently set for June 3, 2009, be continued to June 24, 2009 at 2:30 p.m. in Courtroom C, 15<sup>th</sup> Floor, San Francisco. A Joint Status Conference

1 Statement shall be filed no later than June 17, 2009.

2 The purpose of this Stipulation is to allow the parties to finalize the settlement  
3 which was reached at the May 14, 2009 Mediation.

4 This Stipulation is not intended to alter the date of any other event or any  
5 deadline already fixed by Court Order.

7 DATED: May 27, 2009

**GREEN & HUMBERT**

8  
9 By: /s/ Horace W. Green  
10 HORACE W. GREEN  
11 Attorneys for Defendant  
12 INSITE VISION INCORPORATED  
13 LONG TERM DISABILITY PLAN

14 DATED: May 27, 2009

**JONES DAY**

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16 By: /s/ Elinor R. Coder  
17 Attorneys for Plaintiff  
18 WILLIAM H. SMITH III  
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**ORDER**

Good cause appearing,

**IT IS HEREBY ORDERED**

That the Status Conference in this action be, and hereby is, continued from June 3, 2009 to June 24, 2009, at 2:30 p.m. in Courtroom C. If no Stipulation and Order is on file by June 17, 2009, the parties shall file a Joint Status Conference Statement advising of the status of the settlement process.

Dated: May 27, 2009

