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 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
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13 JANET ROBINSON and OSCAR GUITON, JR,
 14 Plaintiff,
 15 v.
 16 HARTFORD FINANCIAL SERVICES GROUP,
 17 Defendants.
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) Case No. C 09-0195 MMC

) **STIPULATION FURTHER ENLARGING**
) **TIME TO COMPLETE MEDIATION;**
) **~~PROPOSED~~ ORDER**

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STIPULATION FURTHER ENLARGING TIME TO COMPLETE MEDIATION; PROPOSED ORDER

1 Plaintiffs JANET ROBINSON and OSCAR GUITON, JR, and defendant HARTFORD
2 FINANCIAL SERVICES GROUP, by and through their respective counsel, hereby stipulate and request
3 an order as follows:

4 1. On April 2, 2009, the parties entered into a stipulation choosing court-sponsored
5 mediation as their ADR process.

6 2. On April 8, 2009, the Court ordered the parties to mediation pursuant to their stipulation
7 and further ordered that the parties to complete mediation within 90 days of the issuance of the order.

8 3. This action involves a life insurance claim. The central issue is whether the decedent's
9 policy was appropriately rescinded by her insurer based on her failure to disclose certain medical
10 conditions.

11 4. The parties agree that mediation is unlikely to be fruitful if sufficient discovery has not
12 been conducted before mediation takes place. Specifically, the parties agree that the depositions of two
13 or three of the decedent's physicians need to be taken before this matter will be ripe for mediation.

14 5. The parties agree there is insufficient time to take the depositions of the decedents'
15 doctors, obtain the transcripts, evaluate the evidence, prepare for mediation and attend mediation before
16 the current default deadline of 90 days will expire.

17 6. The parties previously stipulated to and requested a 90-day extension of the time within
18 which to complete mediation. The Court approved of that stipulation. As such, the current mediation
19 deadline is September 4, 2009. The parties scheduled mediation for August 28, 2009.

20 7. Defense counsel has attempted to locate the decedent's main physician, Dr. Sabir, in
21 order to take her deposition. Unfortunately, defendant has been informed and believes that Dr. Sabir is
22 no longer practicing in California; that her California medical license is not active; and that she may be
23 practicing in Massachusetts. Defense counsel has tracked down a telephone number believed to be Dr.
24 Sabir's number in Massachusetts and has made several attempts to reach her in order to determine her
25 location and schedule a deposition. To date, defense counsel's efforts have been unsuccessful.

26 8. The inability to locate Dr. Sabir and take her deposition has caused an unforeseen delay
27 in preparations necessary to ensure a successful mediation.

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