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 10 Attorneys for Defendants Pioneer Life Insurance Company of
 Illinois; Washington National Health Insurance Company; Conseco
 11 Senior Health Insurance Company

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 13 **UNITED STATES DISTRICT COURT**
 14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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 16 CLAIRES M. KRUMPOTICH,) CASE NO.: C 09-00335 JSW
 17)
 Plaintiff,) Assigned to the Honorable
 18) Jeffrey S. White
 vs.)
 19) **STIPULATION AND ~~[PROPOSED]~~**
 PIONEER LIFE INSURANCE) **ORDER MODIFYING THE SCHEDULING**
 20 COMPANY OF ILLINOIS;) **ORDER (ORDER SCHEDULING TRIAL**
 WASHINGTON NATIONAL HEALTH) **AND PRETRIAL MATTERS)**
 21 INSURANCE COMPANY AND CONSECO)
 SENIOR HEALTH INSURANCE)
 22 COMPANY,)
)
 23 Defendant.)
)
 24 _____)

25 **STIPULATION**

26 The parties to the above entitled action, by and through
 27 their attorneys of record, stipulate as follows:
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1 1. On May 18, 2009, the Court issued its Order Scheduling
2 Trial and Pretrial Matters, and Amended Civil Minute Order,
3 setting trial and pretrial dates in this matter as follows: Jury
4 Trial: 2/22/10 at 8 a.m. (5-7 days); Pretrial conference: 2/1/10
5 at 2 p.m.; Hearing on dispositive motions: 1/8/10 at 9 a.m.;
6 Close of fact discovery: 12/18/09; Defendants' expert
7 designation: 11/20/09; Plaintiff's expert designation: 10/30/09.
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9 2. As set forth in the Joint Case Management Statement,
10 filed by the parties on 5/8/09, the parties selected private ADR,
11 as a settlement procedure. As stated at the Case Management
12 Conference, the parties agreed to have the matter mediated by
13 retired California Supreme Court Justice Edward Panelli. The
14 court set a deadline of 11/3/09 for completion of the mediation.
15

16 3. It was the intention of the parties, and their reasonable
17 anticipation, that they would proceed with the mediation at an
18 early date, after certain items of discovery were completed, in
19 the hope of resolving the matter, and avoiding the substantial
20 effort and expense of further discovery and trial preparation. To
21 that end, the parties, in August 2009, attempted to arrange for a
22 mediation with Justice Panelli to take place in mid to late
23 September, 2009. Unfortunately, Justice Panelli's limited
24 availability would not permit a mediation at that time, and the
25 earliest date that could be obtained available to Justice
26 Panelli, the parties, and their attorneys, was 11/19/09. A
27 mediation has been scheduled for that date.
28

1 4. The parties wish to avoid incurring the substantial
2 effort and expense of further discovery and trial preparation
3 pending this mediation which, if successful, will avoid their
4 having to do so. However, in consideration of the presently
5 pending trial and pretrial dates, and with the aforementioned
6 delay which has occurred in the mediation, they will be unable to
7 do so, unless those dates are continued, for a reasonable period
8 of time.

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10 5. Accordingly, it is in the interest of justice and economy
11 that, the parties stipulate that, and the parties request that
12 the Court order that, the Scheduling Order (the Order Scheduling
13 Trial and Pretrial Matters, and the Amended Civil Minute Order)
14 be modified, to continue trial and pretrial dates as follows, or
15 to such other dates as the Court deems appropriate:

16 Jury Trial: 6/2/10 at 8 a.m. (5-7 days);

17 Pretrial conference: 4/26/10 at 2 p.m.;

18 Hearing on dispositive motions: 4/2/10 at 9 a.m.;

19 Close of fact discovery: 3/12/10;

20 Defendants' expert designation: 2/12/10;

21 Plaintiff's expert designation: 1/22/10;

22 ADR completion: 12/1/09

23
24 6. The parties stipulate and agree that they will not
25 initiate any discovery in this action prior to the mediation, and
26 that defendant's responses to plaintiff's second notices to
27
28

1 produce, served on 9/2/09, will be due 30 days after the
2 mediation.

3 DATED: 09/08/2009

KANTOR & KANTOR

4 By /s/ GLENN R. KANTOR
5 Attorneys for Plaintiff Claire M.
6 Krumpotich

7 DATED: 09/08/2009

LAW OFFICES OF MARC J. WODIN

8 By /s/MARC J. WODIN
9 Attorneys for Defendant Pioneer
10 Life Insurance Company of
11 Illinois; Washington National
12 Health Insurance Company and
13 Conesco Senior Health Insurance
14 Company

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18 **ORDER**

19 Pursuant to the stipulation of the parties, and good cause
20 having been shown therefore, IT IS ORDER THAT the Scheduling
21 Order (the Order Scheduling Trial and Pretrial Matters, and the
22 Amended Civil Minute Order) are modified, to continue trial and
23 pretrial dates as follows:

24 Jury Trial: ~~6/2/10~~ ^{6/1/10} at 8 a.m. (5-7 days);

25 Pretrial conference: ~~4/26/10~~ ^{5/10/10} at 2 p.m.;

26 Hearing on dispositive motions: 4/2/10 at 9 a.m.;

27 Close of fact discovery: 3/12/10;

28 Defendants' expert designation: 2/12/10;

1 Plaintiff's expert designation: 1/22/10;

2 ADR completion: 12/1/09

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5 Dated: September 9, 2009

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THE HONORABLE JEFFREY S. WHITE
JUDGE OF THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA