

1 BRENT R. AUSTIN (California Bar No. 141938)
 austin@wildman.com
 2 LISA S. SIMMONS (Illinois Bar No. 6192809), admitted *pro hac vice*
 simmons@wildman.com
 3 WILDMAN, HARROLD, ALLEN & DIXON LLP
 225 West Wacker Drive
 4 Chicago, Illinois 60606
 Telephone: (312) 201-2000
 5 Facsimile: (312) 201-2555

6 SEAN M. SULLIVAN (California Bar No. 229104)
 sullivan@wildman.com
 7 WILDMAN, HARROLD, ALLEN & DIXON LLP
 9665 Wilshire Blvd, Suite 200
 8 Beverly Hills, California 90212
 Telephone: (310) 860-8700
 9 Facsimile: (310) 860-3800

10 Attorneys for Continental Casualty Co.

11
 12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN FRANCISCO DIVISION**

15 ELIZABETH H. MATTESON

16 Plaintiff,

17 vs.

18 CONTINENTAL CASUALTY COMPANY,

19 Defendant.

CASE NO. 3:09-CV-0617-BZ

STIPULATION AND [~~PROPOSED~~] ORDER
 TO CONTINUE CERTAIN PRE-TRIAL
 DATES OR IN THE ALTERNATIVE ALL
 DATES BY 21 DAYS

Hon. Bernard Zimmerman

Trial Date: February 1, 2010

20
 21 Defendant, Continental Casualty Company and plaintiff, Elizabeth H. Matteson, by and
 22 through their respective counsel of record, hereby stipulate to the following:
 23

24 Whereas, by Order dated July 21, 2009, the Court set certain pre-trial and trial dates in this
 25 matter;

26 Whereas, on August 26, 2009, the parties filed a stipulation to continue certain pre-trial
 27 dates, in part so that the parties could participate in a mediation before plaintiff took certain
 28

1 depositions;

2 Whereas, by Order dated August 26, 2009, the Court, pursuant to the parties' stipulation,
3 set the following new pre-trial dates:

4 Last Day to Hear Dispositive	December 2, 2009
5 Motions:	
6 Last Day for Expert Discovery:	January 11, 2010
7 Last Day for Rebuttal Expert	January 4, 2010
8 Disclosure:	
8 Last Day for Expert Disclosure:	December 14, 2009
9 Close of Non-expert Discovery:	November 13, 2009;

10 Whereas, the Court did not change the February 1, 2010 trial date or the January 12, 2010
11 Pre-Trial date;

12 Whereas, since entry of this Court's August 26, 2009 Order, defendant has begun, but has
13 been unable to complete, the deposition of David Matteson. David Matteson is plaintiff's
14 representative in this action because defendant is advised that plaintiff – as result of her medical
15 condition – is not competent to testify in this matter. Defendant has not yet been able to complete
16 Mr. Matteson's deposition for the following reasons:

- 18 • As a result of the schedules of the parties and their counsel, the deposition of Mr.
19 Matteson could not be commenced until September 16, 2009;
- 20 • During Mr. Matteson's deposition on September 16, Elizabeth Matteson (the
21 named plaintiff) suffered a medical emergency, which required that she be taken to
22 the hospital on an emergency basis and also required that Mr. Matteson terminate
23 the deposition for that day;
- 24 • While the parties have since worked to reschedule that deposition, it will not be
25 able to be completed before October 28, which is the date by which defendant must
26 file its summary judgment under the current schedule.
27
28

1 Now, therefore the parties hereby stipulate and agree, subject to the Court's approval, that
2 the last date for the Court to hear dispositive motions be continued for a period of twenty-one (21)
3 days to permit defendant the opportunity to complete the deposition of Mr. Matteson. The
4 proposed new last date for the Court to hear dispositive motions would therefore be December 23,
5 2009. If the Court is unwilling to approve said stipulation, the parties request in the alternative,
6 that all dates, including the Pre-Trial and Trial dates, be continued for twenty-one (21) days. The
7 alternative schedule proposed by the parties, which includes a continuance of Pre-Trial and Trial
8 dates would be as follows:
9

10	Trial Date:	February 22, 2010
11	Pre-Trial Conference:	February 2, 2010
12	Last Day to Hear Dispositive	December 23, 2009
13	Motions:	
14	Last Day for Expert Discovery:	February 1, 2010
15	Last Day for Rebuttal Expert	January 25, 2010
16	Disclosure:	
16	Last Day for Expert Disclosure:	January 4, 2010
17	Close of Non-expert Discovery:	December 4, 2009

18 Concurrence in the filing of this stipulation has been obtained from plaintiff's counsel,
19 Corinne Chandler.
20
21

22 Dated: October 26, 2009

WILDMAN, HARROLD, ALLEN & DIXON
LLP

25 By: /s/ Sean M. Sullivan
Sean M. Sullivan

26 Attorney for Defendant CONTINENTAL
27 CASUALTY COMPANY
28

1 Dated: October 26, 2009

KANTOR & KANTOR LLP

2
3 By: /s/ Corinne Chandler
4 Corinne Chandler


5 Attorney for Plaintiff ELIZABETH H.
6 MATTESON
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

The Court having reviewed the stipulation between Plaintiff and Defendant to continue certain Pre-Trial Dates:

IT IS HEREBY ORDERED that the Stipulation is approved and the last day to hear dispositive motions is hereby continued to ~~December 23, 2009~~ December 16, 2009. All other dates set in the Court's August 26, 2009 Order shall remain the same.

DATED: October 27, 2009


Hon. Bernard Zimmerman
United States District Court Magistrate Judge

1 **[PROPOSED ALTERNATIVE] ORDER**

2 The Court having reviewed the stipulation between Plaintiff and Defendant to continue
3 certain Pre-Trial Dates:

4 IT IS HEREBY ORDERED that the Stipulation is approved and that the new Pre-Trial and
5 Trial dates in this matter are as follows:

6 Trial Date:	February 22, 2010
7 Pre-Trial Conference:	February 2, 2010
8 Last Day to Hear Dispositive 9 Motions:	December 23, 2009
10 Last Day for Expert Discovery:	February 1, 2010
11 Last Day for Rebuttal Expert 12 Disclosure:	January 25, 2010
13 Last Day for Expert Disclosure:	January 4, 2010
14 Close of Non-expert Discovery:	December 4, 2009

15
16
17 DATED:

18 _____
19 Hon. Bernard Zimmerman
20 United States District Court Magistrate Judge
21
22
23
24
25
26
27
28