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Attorneys for Plaintiff and the Putative Class

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

DAPHNE P. RAND, by and through DEBRA
 J. DOLCH, as Conservator of the Person and
 Estate of DAPHNE P. RAND, Conservatee,
 on Behalf of Themselves and All Others
 Similarly Situated.

Plaintiff,

vs.

AMERICAN NATIONAL INSURANCE
 COMPANY, a Texas corporation.

Defendant.

Case No. CV 09 0639 SI

CLASS ACTION

**STIPULATION AND [PROPOSED]
 ORDER CONTINUING BRIEFING
 SCHEDULE**

Judge Susan Illston

Action Filed: 02/12/09

This stipulation is made between Plaintiff DAPHNE P. RAND, by and through DEBRA J. DOLCH, as Conservator of the Person and Estate of DAPHNE P. RAND, Conservatee, ("Plaintiff") and Defendant American National Insurance Company ("ANICO" or "Defendant"), by and through their respective counsel of records, based on the following:

1 WHEREAS, on April 23, 2010, due to plaintiff's counsel's unavailability and for purposes
2 of Judicial efficiency and economy, the parties submitted a Stipulation and Proposed Order
3 requesting a continuance of the hearings on Plaintiff's Motion to Substitute, previously set for
4 hearing on May 7, 2010, and Defendant's Motion for Partial Summary Judgment, previously set
5 for May 14, 2010, to June 25, 2010 at 9:00 a.m. in Department 10 (the date provided by the
6 Court's scheduling clerk).

7 WHEREAS, on April 28, 2010, the Court ordered that the hearings on Plaintiff's Motion
8 for Substitution and Defendant's Motion for Partial Summary Judgment are continued to
9 June 25, 2010.

10 WHEREAS, the parties have agreed on the following proposed briefing schedule, which
11 allows them sufficient time to complete their respective submissions in connection with the
12 pending motions and provides for the final briefs to be submitted two weeks in advance of the
13 rescheduled hearing date:

14 Plaintiff's Reply in Support of Motion to Substitute	May 25, 2010
15 Plaintiff's Opposition to Defendant's Motion for Partial	May 25, 2010
16 Summary Judgment	
17 Defendant's Reply in Support of Motion for Partial	June 11, 2010
18 Summary Judgment	

19 WHEREAS, the parties are still conducting discovery: The parties have not yet completed
20 document production; depositions of several of ANICO's Corporate Representatives are scheduled
21 for the week of May 24, 2010, and there are additional depositions to be scheduled. The parties
22 believe that the current scheduling order on class certification should be modified to allow for
23 completion of discovery, resolution of any discovery disputes and any other matters, as follows:

24	Current Date	Proposed Date
25 Hearing on Motion for Class Certification	September 1, 2010	November 19, 2010, or a
26		date convenient to the
27		court
28		

1	Class Certification Motion and	June 24, 2010	August 24, 2010
2	Designation of Class Certification Experts		
	due		
3	Opposition and Designation of Rebuttal	August 9, 2010	October 12, 2010
4	Class Certification Experts due		
5	Reply due	August 23, 2010	November 2, 2010

6 THEREFORE, it is hereby stipulated between the undersigned parties, through their
7 counsel of record, that the briefing schedule for Plaintiff’s Motion to Substitute, Defendant’s
8 Motion for Partial Summary Judgment and the class certification briefing may be continued as set
9 forth above, subject to approval by the Court.

10 DATED: April 30, 2010 WATERS, KRAUS & PAUL
11
12 By: _____
13 INGRID M. EVANS
14 Attorneys for Plaintiff DAPHNE P. RAND, by and
15 through DEBRA J. DOLCH, as Conservator of the
16 Person and Estate of DAPHNE P. RAND, Conservatee

17 DATED: April 30, 2010 GREER, HERZ & ADAMS, LLP
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19 By: _____
20 JOSEPH R. RUSSO
21 Attorneys for Defendant AMERICAN NATIONAL
22 INSURANCE COMPANY
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