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DAPHNE P. RAND
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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 DAPHNE P. RAND, by and through DEBRA J.) Case No.: CV09-0639 SI
DOLCH, as Conservator of the Person and Estate)
5 of DAPHNE P. RAND, Conservatee, on Behalf of) **STIPULATION AND [PROPOSED]**
Themselves and All Others Similarly Situated,) **ORDER CONTINUING (1) BRIEFING**
6 Plaintiff,) **SCHEDULE ON DEFENDANT’S**
7 v.) **MOTION FOR PARTIAL SUMMARY**
8 AMERICAN NATIONAL INSURANCE) **JUDGMENT AND PLAINTIFF’S**
COMPANY, a Texas corporation,) **CROSS MOTION FOR SUMMARY**
9 Defendant.) **JUDGMENT; (2) ENE COMPLETION**
10) **DATE; (3) CLASS CERTIFICATION**
11) **BRIEFING SCHEDULE AND HEARING**
12) **DATE**
13)
14) Honorable Susan Illston
15)
16)
17)
18)

15 This stipulation is made between Plaintiff Daphne P. Rand, by and through Debra Dolch, as
16 Conservator of the Person and Estate of Daphne P. Rand, (“Plaintiff”) and Defendant American
17 National Insurance Company (“ANICO” or “Defendant”), by and through their respective counsel,
18 based on the following:

19 WHEREAS, on February 26, 2010, Defendant filed a Motion for Partial Summary Judgment
20 (“Motion”);

21 WHEREAS, the Motion is currently set for hearing on the Court’s docket for June 25, 2010
22 at 9:00 a.m. in Department 10. The hearing on Plaintiff’s Motion to Substitute Class Representative
23 is also set for hearing on June 25, 2010;

24 WHEREAS, on June 1, 2010, Plaintiff filed her Response to Defendant’s Motion for Partial
25 Summary Judgment and Cross Motion for Partial Summary Judgment (“Plaintiff’s Cross Motion”),
26 raising arguments and issues not specifically addressed in Defendant’s Motion;

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28 **STIPULATION AND [PROPOSED] ORDER CONTINUING (1) BRIEFING SCHEDULE ON
DEFENDANT’S MOTION FOR PARTIAL SUMMARY JUDGMENT AND PLAINTIFF’S CROSS MOTION
FOR SUMMARY JUDGMENT; (2) ENE COMPLETION DATE; (3) CLASS CERTIFICATION BRIEFING
SCHEDULE AND HEARING DATE**

1 WHEREAS, the date for filing Defendant’s Response in Opposition to Plaintiff’s Cross
2 Motion is June 22, 2010;

3 WHEREAS, the parties agree that Defendant may have additional time to prepare its
4 response to the issues raised in Plaintiff’s Cross Motion and that Plaintiff may file a reply, if
5 necessary, in support of Plaintiff’s Cross Motion;

6 WHEREAS, the parties respectfully submit that the current scheduling order on Defendant’s
7 Motion should be modified to allow sufficient time for the parties to fully brief the issues raised by
8 Defendant’s Motion and Plaintiff’s Cross Motion;

9 WHEREAS, the parties also agree that the schedule for completion of the Early Neutral
10 Evaluation and the class certification briefing schedule should be adjusted so that the parties will
11 have the benefit of the Court’s ruling on Defendant’s Motion and Plaintiff’s Cross Motion; and

12 WHEREAS, the parties agree, subject to the approval of the Court, that Plaintiff’s Motion to
13 Substitute Estate of Daphne R. Rand and Debera J. Dolch, as Special Administrator of the Estate of
14 Daphne P. Rand, as Successor in Interest (“Plaintiff’s Motion to Substitute”) shall remain on the
15 June 25, 2010 docket for hearing at 9:00am.

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1 THEREFORE, the parties hereby stipulate to and respectfully request the Court to adopt the
2 following modified pretrial schedule:

	Current Date	Proposed Date
Hearing on Plaintiff's Motion to Substitute	June 25, 2010	June 25, 2010
Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Partial Summary Judgment	June 16, 2010	July 12, 2010
Defendant's Response to Plaintiff's Cross Motion	June 22, 2010	July 12, 2010
Plaintiff's Reply to Defendant's Response to Plaintiff's Cross Motion for Partial Summary Judgment	None	July 26, 2010
Hearing on Defendants Motion for Partial Summary Judgment and Plaintiff's Cross Motion	June 25, 2010	July 30, 2010 (9:00am) or a date convenient to the Court
Plaintiff's Motion for Class Certification and Designation of Class Certification Experts	August 24, 2010	September 21, 1010
Defendant's Opposition to Motion for Class Certification and Designation of Rebuttal Class Certification Experts	October 12, 1010	November 9, 2010
Plaintiff's Reply in Support of Motion for Class Certification	November 2, 2010	November 30, 2010
Hearing re: Motion for Class Certification	November 19, 2010	December 20, 2010
Deadline for ENE	June 15, 2010	November 30, 2010

21 DATED: June 8, 2010

WILSON ELSER MOSKOWITZ EDELMAN & DICKER

23 By: /s/Thomas M. Herlihy
 24 THOMAS M. HERLIHY
 25 Attorneys for Defendant AMERICAN NATIONAL
 26 INSURANCE COMPANY

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 28 **STIPULATION AND [PROPOSED] ORDER CONTINUING (1) BRIEFING SCHEDULE ON
 DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND PLAINTIFF'S CROSS MOTION
 FOR SUMMARY JUDGMENT; (2) ENE COMPLETION DATE; (3) CLASS CERTIFICATION BRIEFING
 SCHEDULE AND HEARING DATE**

1 DATED: June 8, 2010

BONNETT, FAIRBOURN, FRIEDMAN & BALINT
P.C.

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3 By: /s/Andrew S. Friedman

4 ANDREW S. FRIEDMAN
5 Attorneys for Plaintiff DAPHNE P. RAND, by and
6 through DEBRA J. DOLCH, as Conservator of the
7 Person and Estate of DAPHNE P. RAND, Conservatee

8 ATTESTATION OF SIGNATURE

9 Pursuant to General Order No. 45, § X(b), I hereby attest under penalty of perjury that
10 concurrence in the filing of the document has been obtained from all signatories.

11 DATED: June 8, 2010

WILSON ELSER MOSKOWITZ EDELMAN & DICKER

12 By: /s/Thomas M. Herlihy

13 THOMAS M. HERLIHY

14 ORDER

15 IT IS SO ORDERED.

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18 Date: _____

By: _____

19 HONORABLE SUSAN ILLSTON
20 United States District Judge

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CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 8, 2010.

/s/ Shivani Nanda
SHIVANI NANDA

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