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Attorneys for Plaintiff and the Putative Class

20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA
 22 SAN FRANCISCO DIVISION

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

Plaintiff,

vs.

28 AMERICAN NATIONAL INSURANCE
 COMPANY, a Texas corporation.

Defendant.

Case No. CV 09 0639 SI

CLASS ACTION

**STIPULATION AND [PROPOSED]
 ORDER CONTINUING BRIEFING
 SCHEDULE AND HEARING DATE FOR
 DEFENDANT’S MOTION FOR
 PARTIAL SUMMARY JUDGMENT AND
 PLAINTIFF’S CROSS MOTION**

Judge Susan Illston

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”),

1 by and through their respective counsel of records, based on the following:

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

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

7 WHEREAS, on July 12, 2010, Defendant filed its Reply to Plaintiff’s Response to
8 Defendant’s Motion for Partial Summary Judgment and Response to Plaintiff’s Cross-Motion for
9 Partial Summary Judgment (“Response Motion”) and Supporting Declarations.

10 WHEREAS, the date for filing Plaintiff’s Reply to Defendant’s Response to Plaintiff’s
11 Cross Motion for Partial Summary Judgment (“Reply Motion”) is July 26, 2010.

12 WHEREAS, the parties have agreed to move the date for filing of Plaintiff’s Reply Motion
13 to August 23, 2010 in order to allow Plaintiffs to have sufficient time to allow Plaintiffs to depose
14 witnesses who have submitted Declarations Supporting Defendant’s Response Motion.

15 WHEREAS, the hearing on Defendant’s Motion for Partial Summary Judgment and
16 Plaintiff’s Cross Motion is currently is set to be heard on July 30, 2010 at 9:00 a.m.;

17 WHEREAS, the parties have agreed to move the hearing date of Defendant’s Motion for
18 Partial Summary Judgment and Plaintiff’s Cross Motion to August 27, 2010 at 9:00 a.m, or a date
19 convenient to the Court, in order to provide sufficient time for Plaintiff to depose witnesses who
20 have submitted Declarations Supporting Defendant’s Response Motion, and so there will be a
21 sufficient amount of time between the date Plaintiff’s Reply Motion is filed and the hearing.
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ATTESTATION OF SIGNATURE

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


DATED: July 19, 2010

WATERS, KRAUS & PAUL

By: _____/s/_____
INGRID M. EVANS

IT IS SO ORDERED.

DATED: _____

By  _____
The Honorable Susan Illston
District Court Judge