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20 Attorneys for Plaintiffs

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

24 DAPHNE P. RAND, by and through DEBRA	)	<b>Case No. CV 09-0639-SI</b>
25 L. DOLCHE, as Conservator of the Person and	)	
26 Estate of DAPHNE P. RAND, Conservatee, on	)	STIPULATION AND [PROPOSED]
27 Behalf of Themselves and All Others Similarly	)	ORDER REGARDING REVISED
28 Situated,	)	BRIEFING SCHEDULE FOR
	)	PLAINTIFF’S CROSS MOTION FOR
Plaintiff,	)	PARTIAL SUMMARY JUDGMENT
	)	
v.	)	(Assigned to the Honorable Susan Illston)
	)	
AMERICAN NATIONAL INSURANCE	)	
COMPANY, a Texas corporation,	)	
	)	
Defendant.	)	

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29 This stipulation is made between Plaintiff DAPHNE P. RAND, by and through DEBRA  
 30 DOLCH, as Conservator of the Person and Estate of DAPHNE P. RAND, (“Plaintiff”) and

1 Defendant American National Insurance Company (“ANICO” or “Defendant”), by and through  
2 their respective counsel, based on the following:

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

5 WHEREAS, on June 1, 2010, Plaintiff filed her Response to Defendant’s Motion for  
6 Partial Summary Judgment and Cross Motion for Partial Summary Judgment.

7 WHEREAS, on July 12, 2010, Defendant filed its Reply in Support of Motion for Partial  
8 Summary Judgment and Response to Plaintiff’s Cross Motion for Partial Summary Judgment.

9 WHEREAS, the date for filing Plaintiff’s Reply in Support of her Cross Motion for  
10 Partial Summary Judgment is August 23, 2010.

11 WHEREAS, on August 19, 2010, the Court moved the hearing date on these motions  
12 from September 3, 2010 to September 10, 2010.

13 WHEREAS, to accommodate Plaintiff’s counsel’s schedule and to allow Plaintiff  
14 sufficient time to review and incorporate deposition testimony of Defendant’s expert that was  
15 just concluded on August 18, 2010, Defendant has consented to a two-day extension to August  
16 25, 2010, for Plaintiff to file her Reply in Support of her Cross Motion for Partial Summary  
17 Judgment and Plaintiff has agreed that it will not raise a timeliness objection to any subsequent  
18 filing by Defendant based on the delay caused by this proposed reply-date extension.

19 WHEREAS, the requested extension of the briefing schedule will not affect the setting of  
20 the hearing.

21 THEREFORE, it is hereby stipulated between the undersigned parties, through their  
22 counsel of record, that, with the Court’s permission, the following briefing schedule for  
23 Plaintiffs’ Cross Motion for Partial Summary Judgment shall be adopted:

24  
25 Plaintiff’s Reply in Support for of Cross Motion  
26 For Partial Summary Judgment: August 25, 2010  
27  
28

1 DATED: August 20, 2010

BONNETT, FAIRBOURN, FRIEDMAN & BALINT P.C.

2  
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 DATED: August 20, 2010

GREER, HERZ & ADAMS, LLP

9  
10 By: /s/Joseph R. Russo

11 JOSEPH R. RUSSO

12 Attorneys for Defendant AMERICAN NATIONAL  
13 INSURANCE COMPANY

14 ATTESTATION OF SIGNATURE

(N.D. Cal. General Order 45)

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

17 DATED: August 20, 2010


BONNETT, FAIRBOURN, FRIEDMAN & BALINT P.C.

18  
19 By: /s/Andrew S. Friedman  
20 ANDREW S. FRIEDMAN

21 ORDER

22 IT IS SO ORDERED.

23 DATED: \_\_\_\_\_

24 By   
25 The Honorable Susan Illston  
26 District Court Judge  
27  
28

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 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, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Manual 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 August 20, 2010.

By: /s/Nancy Varner  
Nancy Varner  
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