

WATERS KRAUS & PAUL  
INGRID M. EVANS (179094)  
ievans@waterskraus.com  
JENNIFER MCINTOSH (264903)  
jmcintosh@waterskraus.com  
711 Van Ness Avenue, Suite 220  
San Francisco, CA 94102  
Telephone: (415/296-6060 or  
800/226-9880  
214/777-0470 (fax)

BONNETT, FAIRBOURN, FRIEDMAN & BALINT P.C.  
ANDREW S. FRIEDMAN (*Pro Hac Vice admission*)  
afriedman@bffb.com  
KIMBERLY C. PAGE (*Pro Hac Vice admission*)  
kpage@bffb.com  
2901 N. Central Avenue, Suite 1000  
Phoenix, AZ 85012  
Telephone: 602/274-1100  
602/274-1199 (fax)

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  
Situating.

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 DEBRA J. DOLCH, as Special Administrator of the Estate of DAPHNE P. RAND ("Plaintiff") and Defendant American National Insurance Company ("ANICO" or "Defendant"), by and through their respective counsel of records, based on the following:

1 WHEREAS, Plaintiff agrees she will not amend the complaint or add parties between now  
2 and the time ANICO responds to her Motion for Class Certification, but reserves the right to so  
3 amend and/or intervene with a new or additional plaintiff based upon any challenges or objections  
4 by Defendant. Defendant reserves its rights to any and all defenses to such amendment or  
5 interventions, if any.

6  
7 WHEREAS, the current schedule requires plaintiffs to submit their class certification  
8 motion and expert disclosures on November 4, 2010. The parties are still conducting discovery:  
9 Defendant has not yet completed document production; and depositions of additional witnesses  
10 will be scheduled after the final document production. The parties believe that the current  
11 scheduling order on class certification should be modified to allow for completion of discovery,  
12 resolution of any discovery disputes and any other matters, as follows:

	<b>Current Dates</b>	<b>Proposed Dates</b>
14 Plaintiff's Motion for Class Certification and	November 4, 2010	January 21, 2011
15 Designation of Class Cert Experts		
16 Defendant's Opposition to Motion for Class	January 6, 2011	March 11, 2011
17 Certification and Expert Disclosures		
18 Plaintiff's Reply in Support of Motion for Class	January 20, 2011	March 25, 2011
19 Certification		
20 Hearing on Motion for Class Certification	February 4, 2011	April 8, 2011

21  
22 THEREFORE, it is hereby stipulated between the undersigned parties, through their  
23 counsel of record, that the briefing schedule for Plaintiff's Motion Class Certification briefing may  
24 be continued as set forth above, subject to approval by the Court.

25 DATED: October 13, 2010 BONNETT, FAIRBOURN, FRIEDMAN & BALINT P.C.

26 \_\_\_\_\_  
27 By: /s/Andrew S. Friedman-----  
28 ANDREW S. FRIEDMAN  
Attorneys for Plaintiff DEBRA J. DOLCH, as Special  
Administrator of the Estate of DAPHNE P. RAND

1  
2 DATED: October 13, 2010

GREER, HERZ & ADAMS, LLP

3  
4 By: /s/Joseph R. Russo with permission  
JOSEPH R. RUSSO  
5 Attorneys for Defendant AMERICAN NATIONAL  
6 INSURANCE COMPANY

7 ATTESTATION OF SIGNATURE

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


10  
11 DATED: October 13, 2010

BONNETT, FAIRBOURN, FRIEDMAN & BALINT P.C.

12  
13 By: /s/Andrew S. Friedman  
ANDREW S. FRIEDMAN

14  
15  
16 IT IS SO ORDERED.

17 DATED: \_\_\_\_\_

18  
19 By   
The Honorable Susan Illston  
20 District Court Judge