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 THE GUARDIAN LIFE INSURANCE COMPANY
 OF AMERICA and BERKSHIRE LIFE INSURANCE
 7 COMPANY

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

<p>11 VIVIAN JANE BURNELL, 12 Plaintiff, 13 v. 14 THE GUARDIAN LIFE INSURANCE COMPANY OF AMERICA and BERKSHIRE 15 LIFE ISNURANCE COMPANY, 16 Defendants. 17</p>	<p>) Case No.: C09-02281 SC)) STIPULATION OF THE PARTIES) RE: MODIFICATION OF THE) SCHEDULING ORDER IN THIS) MATTER AND PROPOSED ORDER) THEREON)) Location: San Francisco) Judge Samuel Conti))</p>
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18 Plaintiff, Vivian Jane Burnell, through her counsel of record, Douglas K. deVries, deVries
 19 Law Firm and defendants Berkshire Life Insurance Company of America and The Guardian Life
 20 Insurance Company of America (“defendants”), through their counsel of record, Sean P. Nalty,
 21 Wilson, Elser, Moskowitz, Edelman & Dicker LLP, hereby stipulate to the following:

22 1. Defendant had served a subpoena on Dr. Mark Avon for a deposition on December
 23 16, 2009. However, Dr. Avon reported that he will be out of the country until January 5, 2010 and
 24 will not be available for a deposition until he resolves any backlog of patients. Discovery cutoff is
 25 on January 1, 2010.
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ORDER

Based on the stipulation of the parties, and good cause appearing therefore, the scheduling order in this matter is modified so that the discovery cutoff date is extended to February 6, 2010 for the deposition of Dr. Mark Avon only, and all other deadline dates to remain the same.

IT IS SO ORDERED.

Dated: 12/11/09

By: _____

JUDGE S
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
IT IS SO ORDERED
Samuel Conti
Judge Samuel Conti
COURT

1 **CERTIFICATE OF SERVICE**

2 *Burnell v. The Guardian Life Insurance Company of America*
3 *USDC NDCA Case No.: C09-02281 SC*

4 I am a citizen of the United States. I am over the age of eighteen years and am not a party
5 to the within cause. I am employed in the City and County of San Francisco, California and my
6 business address is 525 California Street, 17th Floor, San Francisco, California 94105. On this
7 date I served the following document(s):

8 **STIPULATION OF THE PARTIES RE: MODIFICATION OF THE SCHEDULING
9 ORDER IN THIS MATTER AND [PROPOSED] ORDER THEREON**

10 on the parties identified below, through their attorneys of record, by placing true copies thereof in
11 sealed envelopes addressed as shown below by the following means of service:

12 : **By First Class Mail** -- I caused each such envelope, with first class postage thereon fully
13 prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco,
14 California, for collection to the office of the addressee following ordinary business practices.

15 : **By Personal Service** -- I caused each such envelope to be given to a courier messenger who
16 personally delivered each such envelope to the office of the address.

17 : **By Overnight Courier** -- I caused each such envelope to be given to an overnight mail
18 service at San Francisco, California, to be hand delivered to the office of the addressee on the next
19 business day.

20 : **Facsimile** -- (Only where permitted. Must consult CCP § 1012.5 and California Rules of
21 Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D.C.A.)

22 : **Electronic E-Filing** -- I caused the attached document to be electronically transmitted on the
23 Northern District website to the parties named below.

24 : **E-Mail** -- I caused each document to be emailed.

25 Douglas K. deVries, Esq. (SBN 70633)
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Attorney for Plaintiff Vivian Jane Burnell

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED **December 10, 2009** at San Francisco, California.


Stacey Muller