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5 Attorneys for Defendant  
LEXINGTON INSURANCE COMPANY

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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 VIRGINIA SURETY COMPANY, INC.,

11 Plaintiff,

12 v.

13 LEXINGTON INSURANCE COMPANY, and  
DOES 1-20, inclusive,

14 Defendants.  
15

CIVIL ACTION NO. 3:10-02751 SI

**STIPULATION AND ~~PROPOSED~~  
ORDER TO EXTEND THE  
DISCOVERY DEADLINE TO  
OCTOBER 11, 2011 FOR ONE  
RESCHEDULED DEPOSITION**

16  
17 The parties, by and through their respective counsel, hereby stipulate to partially revise the  
18 court's Case Management Order as follows:

19 I.  
20 RECITALS

21 1. The parties have been working diligently toward moving this case forward in an efficient,  
22 expeditious manner. The parties are also in the process of discussing settlement and have a  
23 settlement conference scheduled for October 5, 2011 before Magistrate Judge Cousins.

24 2. Despite the parties' diligent efforts and cooperation to complete the depositions of fact  
25 witnesses by September 30, 2011, the parties were unable to complete the deposition of James  
26 Dunham due to schedule conflicts. The parties have proceed with his deposition on October 10,  
27 2011.  
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2 3. The parties do not seek to continue any deadlines other than the deadline for completion  
3 of fact discovery, and only for the deposition of Mr. Dunham. The parties do not seek to continue  
4 the trial date or the pretrial conference date.

5 Accordingly, the parties hereby stipulate to revising the Court's Scheduling Order (Dkt 20)  
6 as follows.

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8 **II.**  
9 **STIPULATION**

10 The parties hereby stipulate to the following revision to the court's Scheduling Order:

11 1. Completion of fact discovery October 11, 2011  
12 (currently September 30, 2011)

13 The remaining deadlines and other dates set forth in the Court's Scheduling Order (Dkt 20)  
14 remain unchanged.

15 Dated: September 23, 2011 EMERSON, COREY, SORENSEN, CHURCH & LIBKE

16  
17 By:           //S//            
18 ANDREW W. SORENSEN  
19 Attorneys for Plaintiff  
VIRGINIA SURETY COMPANY, INC.

20 Dated: September 23, 2011 HAYES SCOTT BONINO ELLINGSON & MCLAY, LLP

21  
22 By:           //S//            
23 MARK G. BONINO  
24 STEPHEN P. ELLINGSON  
25 Attorneys for Defendant  
26 LEXINGTON INSURANCE COMPANY  
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1 [PROPOSED] ORDER

2 Pursuant to the parties' stipulation, the fact discovery cut-off date is continued as follows:

3 1. Completion of fact discovery

October 11, 2011

(currently September 30, 2011)

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5 The remaining deadlines and other dates set forth in the Court's previous Scheduling Order  
6 (Dkt 20), as revised by previous orders of this Court, remain unchanged.

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8 Dated: 9/27, 2011

9 HONORABLE SUSAN ILLSTON  
10 UNITED STATES DISTRICT JUDGE  
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