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 14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

16 TAMMY SMITH,  
 17 Plaintiff,  
 18 v.  
 19 AETNA LIFE INSURANCE COMPANY,  
 20 Defendant.

CASE NO. C11-02559-SI

**STIPULATION AND [~~PROPOSED~~]  
 ORDER TO CONTINUE CASE  
 MANAGEMENT CONFERENCE AND  
 RELATED DATES PURSUANT TO  
 FRCP 6(b)(1) AND CIVIL LOCAL  
 RULE 6-2**

The Honorable Susan Illston

**STIPULATION**

23 Pursuant to Fed. R. Civ. P. 6(b)(1) and Civil Local Rule 6-2, Defendant Aetna Life  
 24 Insurance Company (“Aetna”) and Plaintiff Tammy Smith (“Smith”) hereby stipulate to and  
 25 respectfully request the Court continue the currently scheduled Case Management Conference  
 26 and related dates by thirty (30) days. The parties stipulate that the Case Management

1 Conference should be continued to October 3, 2011, and the related dates adjusted  
2 accordingly. There is good cause for the stipulation and requested continuance because Aetna  
3 filed a motion to dismiss for improper venue/motion to transfer that should be decided before  
4 the parties and this Court engage in case management and case setting before this Court.  
5 There is the possibility that the Case Management Conference will not be needed before this  
6 Court if Aetna's motion to dismiss for improper venue/motion to transfer is granted.

7 This stipulation is supported by the Declaration of Tad Devlin, and all documents on  
8 file with the Court in this matter.

9 The deadline for the parties to file a Joint Case Management Statement is August 26,  
10 2011, and the Initial Case Management Conference is currently scheduled for September 2,  
11 2011. *See* Declaration of Tad Devlin ("Devlin Decl."). The parties request the continuance  
12 due to Aetna's pending Motion To Dismiss or Transfer the Action, Pursuant to 28 U.S.C.  
13 § 1406(A), or Transfer for Convenience, Pursuant to 28 U.S.C. § 1404(A), which is set for  
14 hearing on September 9, 2011. *See id.*, at ¶ 3.

15 These currently set case dates and deadlines in this Court will be moot if Aetna  
16 prevails on its motion to dismiss/transfer venue. The parties request the thirty (30) day  
17 continuance to afford the Court the opportunity to decide Aetna's motion. *See id.*, at ¶ 4. The  
18 parties are making this request prior to fourteen days before the scheduled deadlines. *See* LR  
19 6-1(b). This extension will not prejudice either party or have an affect on other Court  
20 deadlines. *See id.*, at ¶ 5. Aetna has received two prior extensions for filing a response to  
21 Smith's complaint. *See id.*, at ¶ 6.

22 There is good cause for the parties' stipulation and request for the Initial Case  
23 Management Conference, if needed at all based on Aetna's motion, to be rescheduled to  
24 October 3, 2011.

25 **IT IS SO STIPULATED.**

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Dated: August 9, 2011

GORDON & REES LLP

By: /s/ Tad A. Devlin  
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Dated: August 9, 2011

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**ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED** that the Initial Case Management Conference be rescheduled to October ~~7~~<sup>7</sup>, 2011, and the related dates will be adjusted accordingly.

Dated this 10th day of August, 2011.



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THE HONORABLE SUSAN ILLSTON