

1 FRANCIS TORRENCE (State Bar No. 154653)
WILSON, ELSER, MOSKOWITZ,
2 EDELMAN & DICKER LLP
525 Market Street, 17th Floor
3 San Francisco, California 94105
Telephone: (415) 433-0990
4 Facsimile: (415) 434-1370

5 Attorneys for Defendant
THE PAUL REVERE LIFE INSURANCE COMPANY
6 and UNUM GROUP

7 DAVID W. WESSEL (State Bar No. 115222)
LAW OFFICES OF BORIS E. EFRON
8 130 Portola Road
Portola Valley, California 94028
9 Telephone: (650) 851-8880
Facsimile: (650) 851-3001

10 Attorneys for Plaintiff
11 RICHARD A. EAGLESTON

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 RICHARD A. EAGLESTON, an individual,) Case No. CV 12-05633 WHO
16)
Plaintiff,) **STIPULATION AND ORDER TO**
17 v.) **CONTINUE MEDIATION DATE**
18)
THE PAUL REVERE LIFE INSURANCE)
19 COMPANY, UNUM GROUP, and DOES 1
through 50,)
20 Defendants.)
21 _____)

22 Plaintiff Richard Eagleston (“Eagleston” or “Plaintiff”) and Defendant The Paul Revere
23 Life Insurance Company (“Paul Revere” or “Defendant”), by and through their counsel of record,
24 hereby respectfully submit this Stipulation and the accompanying Proposed Order to continue the
25 mediation deadline in this matter. For reasons set forth below, the parties believe that good cause
26 exists to allow the short additional extension of time.
27
28

1 This litigation arises from a dispute regarding disability insurance benefits. Plaintiff has
2 brought claims for relief against the Defendant for breach of contract and bad faith.

3 The parties previously requested the Court to continue the previously set Case
4 Management Conference in order to conduct a mediation. The Court graciously granted that
5 request, but alerted the parties that there would be no more extensions for the mediation, and
6 instructed that the mediation be conducted by the next CMC, currently set for January 29, 2014.

7 The parties had a mediation scheduled for January 8, 2014, but now respectfully request
8 the Court to permit a very short extension, to February 19, 2014, the earliest date the mediator,
9 Craig Needham, is available. The parties believe that good cause exists to do so. The parties
10 respectfully make this request being aware of the Court's prior instructions and comments about
11 further extensions.

12 The parties agree that the success of this mediation is best served by having plaintiff's
13 counsel present at the mediation, if possible, rather than having a different attorney appear for
14 Plaintiff at the mediation. Plaintiff's counsel is more familiar with both the facts of the case and
15 the client. Defense counsel prefers that plaintiff's counsel be the participant at the mediation, for
16 the same reasons.

17 However, plaintiff's counsel and his wife have what is literally a once in a lifetime
18 opportunity to visit their adult son in Africa during the month of January, a trip which will require
19 Plaintiff's counsel to miss the scheduled mediation for January 8. Plaintiff's counsel leaves at the
20 start of January and will be traveling to Africa to spend the month with his son who is a student at
21 the University of Ghana, Legon, in Accra, Ghana.

22 In light of the once in a lifetime nature of the cause for this request, the parties believe
23 there is good cause to seek relief from the Court, and obtain a short extension. As indicated
24 above, the earliest alternative date available is the proposed February 19, 2014 date, which has
25 already been reserved. Counsel hope that such a brief extension would cause no inconvenience to
26 the Court.

27 ///

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

///
///
///

The parties hereby respectfully request that the Court modify its prior order and permit the parties to conduct the mediation on February 19, 2014, after plaintiff's counsel has returned from Africa.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER
LLP

Dated: January 2, 2014

By /s/ Francis Torrence

FRANCIS TORRENCE
Attorneys for Defendants
THE PAUL REVERE INSURANCE COMPANY and
UNUM GROUP

LAW OFFICES OF BORIS E. EFRON

Dated: January 2, 2014

By /s/ David W. Wessel

DAVID W. WESSEL
Attorneys for Plaintiff
RICHARD A. EAGLESTON

PURSUANT TO STIPULATION, IT IS SO ORDERED as modified below:

The Case Management Conference set for January 28, 2014 is continued until March 4, 2014.

The parties shall file a Joint Case Management Statement on or before February 26, 2014

which either notifies the Court of a settlement or proposes a trial and case schedule with a trial date in 2014, as one will be set at that time.

DATED: January 2, 2014



WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE