

1 SEAN P. NALTY (SBN 121253)  
 Sean.Nalty@wilsonelser.com  
 2 SHIVANI NANDA (SBN 253891)  
 Shivani.Nanda@wilsonelser.com  
 3 WILSON, ELSER, MOSKOWITZ,  
 EDELMAN & DICKER LLP  
 4 525 Market Street, 17th Floor  
 San Francisco, California 94105  
 5 Tel: (415) 433-0990  
 Fax: (415) 434-1370  
 6

Attorneys for Plaintiff  
 7 OM FINANCIAL LIFE INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

11 OM FINANCIAL LIFE INSURANCE COMPANY,  12 Plaintiff,  13 vs.  14 ROSALINA HERNANDEZ ,  15 Defendant 16	) Case No. CV 08-03919 PJH ) ) <b>OM FINANCIAL LIFE INSURANCE</b> ) <b>COMPANY AND ROSALINA</b> ) <b>HERNANDEZ’S JOINT STIPULATION</b> ) <b>TO EXTEND THE DEADLINE TO</b> ) <b>COMPLETE ADR MEDITATION</b> ) ) )
--	---

17 **INTRODUCTION**

18 Plaintiff OM FINANCIAL LIFE INSURANCE COMPANY (“OM FINANCIAL”) and  
 19 Defendant ROSALINA HERNANDEZ (“HERNANDEZ”) (collectively “The Parties”) are  
 20 required to complete the court ordered Alternative dispute Resolution Mediation by May 1, 2009.  
 21 On April 7, 2009, the parties had a telephone conference with court ordered mediator, Michael  
 22 G.W. Lee.

23 During that conference, it was agreed that, in order to have a productive mediation, the  
 24 parties need to complete additional discovery and analyze legal issues that have arisen out of the  
 25 recently completed deposition of Ms. Hernandez. It was the agreement of the parties, and the  
 26 recommendation of Mr. Lee, that the May 1, 2009 deadline to complete mediation in this matter be  
 27 extended for ninety days in order for the parties to have the information they need to have a  
 28

1 productive mediation and to be able to analyze the legal issues in this matter.

2 **STIPULATION**

3 Accordingly, based on the information and facts set forth above, the parties to this matter,  
4 OM Financial and Hernandez, hereby stipulate that the deadline to complete Alternative Dispute  
5 Resolution Mediation in this matter shall be extended ninety days from May 1, 2009. The  
6 mediation shall be completed by Monday, August 3, 2009.

7 RESPECTFULLY SUBMITTED,

8 Date: April 9, 2009

9 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

10  
11 By: Sean P Nalty

12 SEAN P. NALTY  
13 SHIVANI NANDA  
Attorneys for Defendant  
OM FINANCIAL LIFE INSURANCE COMPANY

14 Dated: 4/9/09

15 GENSER & WATKINS, LLP

16  
17 By: [Signature]

18 LEONARD H. WATKINS  
19 Attorneys for Plaintiff  
20 ROSALINDA HERNANDEZ  
21  
22  
23  
24  
25  
26  
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

**CERTIFICATE OF SERVICE**  
*OM Financial Life Ins. Co. v. Rosalina Hernandez*  
*USDC NDCA Case #C08-3919 PJH*

I am over the age of eighteen years and am not a party to the within cause. I am employed in the City and County of San Francisco, California and my business address are 525 Market Street, 17th Floor, and San Francisco, California 94105-2725. On this date I served the following document(s):

**OM FINANCIAL LIFE INSURANCE COMPANY AND ROSALINDA HERNANDEZ'S JOINT STIPULATION TO EXTEND THE DEADLINE TO COMPLETE ADR MEDIATION and [Proposed] ORDER**

on the part(y)(ies) identified below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

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

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

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

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

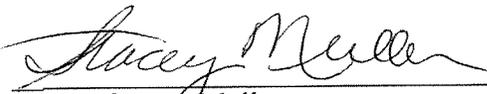
: **By Electronic E-Mail** -- I caused each such envelope to be electronically served to the office of the address.

Michael G.W. Lee  
Law Offices of Michael G.W. Lee  
360 Post Street, 8<sup>th</sup> Floor  
San Francisco, CA 94108  
Tel: (415) 788-9000  
Fax: (415) 398-3887  
**Mediator**

Clerk's Office  
ADR Unit  
United States District Court  
280 South First Street, Room 2112  
San Jose, CA 95113

Leonard H. Watkins, Esq.  
Genser & Watkins, LLP  
125 Park Place, Ste. 210  
Point Richmond, CA 94801  
Tel: (510) 237-6916  
Fax: (510) 236-9851  
**Attorney for Plaintiff**

1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct to the best of my knowledge. EXECUTED on **April 9, 2009**, at San  
3 Francisco, California.

4   
5 \_\_\_\_\_  
6 Stacey Muller  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 SEAN P. NALTY (SBN 121253)  
Sean.Nalty@wilsonelser.com  
2 SHIVANI NANDA (SBN 253891)  
Shivani.Nanda@wilsonelser.com  
3 WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP  
4 525 Market Street, 17th Floor  
San Francisco, California 94105  
5 Tel: (415) 433-0990  
6 Fax: (415) 434-1370

Attorneys for Plaintiff  
7 OM FINANCIAL LIFE INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 OM FINANCIAL LIFE INSURANCE )  
COMPANY, )

12 Plaintiff, )

13 vs. )

14 ROSALINA HERNANDEZ , )

15 Defendant )  
16

Case No. CV 08-03919 PJH

**[Proposed] ORDER TO EXTEND THE  
DEADLINE TO COMPLETE ADR  
MEDIATION**

17 Based on the stipulation of the parties, and GOOD CAUSE APPEARING THEREFOR,

18 The deadline to complete Alternative Dispute Resolution mediation in this matter is  
19 extended ninety days to August 3, 2009.

20 IT IS SO ORDERED.

21 Dated: 4/13/09

22 Phyllis J. Hamilton  
23 Judge of the Court

