2 D-Main, jubble evolution of hac vice) 3 E-Mail: bodel @babc.com 1ason R. Bushby (admitted pro hac vice) 4 4 E-Mail: jushby @babc.com 7 BRADLEY ARANT BOULT CUMMINGS LLP 0me Federal Place 1819 Fifth Avenue North 8 Birmingham, Alabama 35203 7 Felephone: 205.521.8800 8 Andrew B. Downs, SBN 111435 6 E-Mail: addy.downs@bulivant.com 10 Judith A. Whitehouse, SBN 198176 6-Mail: judith.whitehouse@bulivant.com 10 Judith A. Whitehouse, SBN 198176 6-Mail: judith.whitehouse@bulivant.com 11 BULLIVANT HOUSER BALLEY PC 601 California Street, Suite 1800 3 martancisco, California 94108 13 Telephone: 415-352-2700 Facsimile: 415-352-2701 14 15 Attorneys for Defendant Conseco Senior Health Insurance Company 16 17 IN THE UNITED STATES DISTRICT COURT 18 FOR THE NORTHERN DISTRICT OF CALIFORNIA 19	1	Jamie L. Moore (admitted <i>pro hac vice</i>)	
3 E-Mail: bodel(@babc.com 3xon R. Bushby (admitted pro hac vice) 4 E-Mail: joushby @babc.com BRADLEY ARANT BOULT CUMMINGS LLP 0 One Federal Place 1819 Fifth Avenue North Birmingham, Alabama 35203 7 Telephone: 205.521.8306 8 9 Andrew B. Downs, SBN 111435 E-Mail: andy.downs@bullivant.com 10 Judith A. Whitehouse, SBN 198176 E-Mail: indy.downs@bullivant.com 11 BULLIVANT HOUSER BAILEY PC 601 California Street, Suite 1800 San Francisco, California 94108 13 Telephone: 415-352-2700 14 Attorneys for Defendant 15 Conseco Senior Health Insurance Company 16 FOR THE NORTHERN DISTRICT OCURT 18 FOR THE NORTHERN DISTRICT OF CALIFORNIA 19 JACK CASTOR,) 21 Plaintiff,) 22 Plaintiff,) 23 vs.) 24 CONSECO SENIOR HEALTH) 25 NSURANCE COMPANY & AIG) 26) 27 Defendants.)<	2	E-Mail: jmoore@babc.com D. Brian O'Dell (admitted <i>pro hac vice</i>)	
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 E-Mail: andy.downs@bullivant.com Judith A. Whitehouse@bullivant.com BULLIVANT HOUSER BAILEY PC 601 California Street, Suite 1800 San Francisco, California 94108 Telephone: 415-352-2700 Facsimile: 415-352-2701 Attorneys for Defendant Conseco Senior Health Insurance Company In THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION JACK CASTOR,) Plaintiff,) Plaintiff,) Vs.) CIVIL ACTION NO.: 3:08-CV-4720 PJH Vs.) CONSECO SENIOR HEALTH) STIPULATION TO EXTEND PRIVATE INSURANCE COMPANY, AIG Defendants.) Defendants.) 	9		
 E-Mail: judith.whitehouse@bullivant.com BULLIVANT HOUSER BAILEY PC 601 California Street, Suite 1800 San Francisco, California 94108 Telephone: 415-352-2700 Facsimile: 415-352-2701 Attorneys for Defendant Conseco Senior Health Insurance Company FOR THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION JACK CASTOR,) Plaintiff,) Vs.) Plaintiff,) Vs.) CIVIL ACTION NO.: 3:08-CV-4720 PJH STIPULATION TO EXTEND PRIVATE CONSECO SENIOR HEALTH) MEDIATION DEADLINE; PROPOSED ORDER LIFE INSURANCE COMPANY & AIG) Defendants.) 			
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12 San Francisco, California 94108 13 Telephone: 415-352-2700 Facsimile: 415-352-2701 14 15 Attorneys for Defendant Conseco Senior Health Insurance Company 16 17 IN THE UNITED STATES DISTRICT COURT 18 FOR THE NORTHERN DISTRICT OF CALIFORNIA 19 SAN FRANCISCO DIVISION 20 JACK CASTOR,) 21 Plaintiff,) 22 Plaintiff,) 23 VS.) 24 CONSECO SENIOR HEALTH) 25 INSURANCE COMPANY & AIG) 26) 27 Defendants.) 28 1	11		
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20 SAN FRANCISCO DIVISION 21 JACK CASTOR, 22 Plaintiff, 23 vs. 24 CONSECO SENIOR HEALTH 10 STIPULATION TO EXTEND PRIVATE 11 MEDIATION DEADLINE; PROPOSED ORDER 125 Defendants. 26 1 27 1		FOR THE NORTHERN I	DISTRICT OF CALIFORNIA
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27 Defendants.) 28 1		/	
27 28 <u> </u>	26) Defendants	
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	28		1 DIVATE MEDIATION DEADUNE

COME NOW the parties, plaintiff Jack Castor ("Plaintiff"), defendant Conseco Senior Health Insurance Company ("CSHIC"), and defendant AIG Life Insurance Company ("AIG") (collectively the "Parties"), by and through their respective counsel, and pursuant to Civil L. R. 7-11, hereby respectfully request an order from this Court amending the scheduling order to extend the private mediation deadline to July 15, 2009. In support thereof, the Parties show good cause and stipulate as follows:

1. On or about January 27, 2009, the Court entered its scheduling order in this action, stating that private mediation is "to be completed within 5 months" - by June 27, 2009, in other words.

2. In April 2009, CSHIC sought new counsel to defend its interests in this action, substituting in new counsel of record on or about April 28, 2009. Said substitution inevitably created a slight delay in the progress of the litigation of this action.

3. Since then, however, the Parties have continually discussed their mediation obligations in this case and, ultimately, jointly selected the Honorable Edward A. Infante to serve as the mediator in the case.

4. Counsel for each party in this case resides in a different California city. The actual Parties in this action live in three different states. Taking into account each party's, and their respective counsel's, travel arrangements, coupled with Judge Infante's limited availability, scheduling a mutually agreeable mediation date prior to June 27, 2009 was not feasible.

5. Accordingly, on or about May 20, 2009, the Parties scheduled the mediation with Judge Infante for July 15, 2009, subject to the Court's approval.

6. In light of the foregoing, the Parties respectfully request that this Court extend the private mediation deadline in this case to July 15, 2009.

1	WHEREFORE, PREMISI	ES CONSIDERED, the Parties respectfully request that this
2	Court enter an Order amending its scheduling order and extending the private mediation deadline in	
3	this action to July 15, 2009.	
4		
5	DATED: June 8, 2009	BRADLEY ARANT BOULT CUMMINGS LLP
6		
7		By: s/Jamie L. Moore
8		Jamie L. Moore (admitted <i>pro hac vice</i>) D. Brian O'Dell (admitted <i>pro hac vice</i>)
9		Jason R. Bushby (admitted pro hac vice)
10		BULLIVANT HOUSER BAILEY PC
		Andrew B. Downs, SBN 111435 Judith A. Whitehouse, SBN 198176
11		Judin A. Wintchouse, 5DIN 176176
12		Attorneys for Defendant
13		Conseco Senior Health Insurance Company
14	DATED: June 8, 2009	KANTOR & KANTOR, LLP
15		
16		By: <u>s/Corinne Chandler</u>
		Corinne Chandler Attorneys for Plaintiff Jack Castor
17		
18	DATED: June 8, 2009	WILSON ELSER MOSKOWITZ EDELMAN & DICKER
19	2	LLP
20		By: s/Dennis J. Rhodes
21		Adrienne Clare Publicover
22		Dennis J. Rhodes
23		Attorneys for Defendant AIG Life Insurance Company
24		
25		
26		
27		
28		3
	STIPULATION TO) EXTEND PRIVATE MEDIATION DEADLINE

1	-[PROPOSED] ORDER
1 2	PURSUANT TO STIPULATION, IT IS SO ORDERED:
2 3	the private mediation deadline is hereby extended to July 15, 2009.
4	
5	06/11/00
6	DATED: 06/11/09
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8	
9	Z Judge Phyllis J. Hamilton
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11	FERN DISTRICT OF CT
12	DISTRICT
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28	4 STIPULATION TO EXTEND PRIVATE MEDIATION DEADLINE