

1 SEDGWICK, DETERT, MORAN & ARNOLD LLP
 BRUCE D. CELEBREZZE (Bar No. 102181)
 2 JONATHAN T. RODRIGUEZ (Bar No. 165508)
 JAMISON R. NARBAITZ (Bar No. 219339)
 3 One Market Plaza, Steuart Tower, 8th Floor
 San Francisco, California 94105
 4 Telephone: (415) 781-7900
 Facsimile: (415) 781-2635
 5 Emails: *bruce.celebrezze@sdma.com*
jonathan.rodriguez@sdma.com
 6 *jamison.narbaitz@sdma.com*

7 Attorneys for Defendant
 KEMPER INDEPENDENCE INSURANCE COMPANY

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

12 HARLAN IVES and SHELLEY
 MARDER,
 13
 Plaintiffs,
 14
 v.
 15
 KEMPER INDEPENDENCE
 16 INSURANCE COMPANY, and DOES 1
 through 100, inclusive,
 17
 Defendants.

CASE NO. C 08-05276 SBA

**JOINT ADMINISTRATIVE MOTION FOR
 EXTENSION OF NON-EXPERT
 DISCOVERY CUT-OFF (L.R. 7-11);
 ORDER GRANTING ADMINISTRATIVE
 MOTION**

 JUDGE: Hon. Sandra B. Armstrong
 DEPT: Courtroom 3, Oakland
 DATE: TBD
 TIME: TBD

19
 20 Plaintiffs Harlan Ives and Shelley Marder (“Plaintiffs”) and defendant Kemper
 21 Independent Insurance Company (“Kemper”) jointly submit this motion for administrative relief
 22 pursuant to Northern District Local Rule 7-11, seeking an extension of the September 30, 2009
 23 non-expert discovery cut-off deadline as ordered by the Court in the Order for Pre-Trial
 24 Preparation (Document No. 20). The parties seek a one month extension of the non-expert
 25 discovery cut-off deadline to October 30, 2009.

26 Good cause exists for granting the extension. The parties have decided to further attempt
 27 mediating this action, and to this effect have scheduled mediation with the Hon. Alfred G.
 28 Chiantelli (Ret.) for September 22, 2009. Prior to completing this mediation, the parties wish to



1 avoid incurring any further expense in completing discovery, including several costly
2 depositions, before the current deadline.

3 Moreover, an extension of the discovery cut-off deadline will have no effect on any other
4 pre-trial deadlines set forth in the Order for Pre-Trial Preparation (Document No. 20). As the
5 deadlines currently stand, the next deadline following the September 30, 2009 non-expert
6 discovery cut-off is the October 30, 2009 deadline for expert witness disclosure by both parties.
7 If the non-expert discovery cut-off is extended to October 30, 2009, there is no reason why the
8 expert designation deadline cannot remain set for October 30, 2009 as well. If the parties cannot
9 successfully resolve the matter at the September 22nd mediation, the parties will then have
10 approximately five weeks to complete non-expert discovery and designate expert witnesses. No
11 other deadlines – including the December 10, 2009 expert witness discovery cut-off, the
12 February 9, 2010 dispositive motion hearing deadline, or the March 23, 2010 pre-trial conference
13 – would be affected by the extension.

14 **STIPULATION**

15 Pursuant to Northern District L.R. 7-11(a) and 7-12, and for the reasons discussed above,
16 IT IS HEREBY STIPULATED among Plaintiffs and Kemper, each by and through their counsel,
17 that the parties respectfully request that the Court extend the September 30, 2009 non-expert
18 discovery cut-off to October 30, 2009, without alteration of any other pre-trial dates or deadlines.

19
20 DATED: September __, 2009

MANNION & LOWE

21
22
23 By: _____
24 Wesley M. Lowe
25 Attorneys for Plaintiffs
26 HARLAN IVES and SHELLEY MARDER
27

1 DATED: September __, 2009

LAW OFFICES OF PHILIP T. PRINCE

2

3

4 By: _____

Philip T. Prince
Attorneys for Plaintiffs
HARLAN IVES and SHELLEY MARDER

5

6

7

8

9 DATED: September __, 2009

SEDGWICK, DETERT, MORAN & ARNOLD LLP

10

11

12 By: _____

Bruce D. Celebrezze
Jonathan T. Rodriguez
Jamison R. Narbaitz
Attorneys for Defendant
KEMPER INDEPENDENCE
INSURANCE COMPANY

13

14

15

16

[PROPOSED] ORDER GRANTING ADMINISTRATIVE RELIEF

17

The Court, having reviewed the papers and stipulation submitted in support of the parties' joint administrative motion for extension of the non-expert discovery cut-off deadline, and for good cause shown,

18

19

20

IT IS HEREBY ORDERED that the motion be and hereby is GRANTED. The non-expert discovery cut-off deadline is extended to October 30, 2009. All other dates and deadlines in the Court's Order for Pre-Trial Preparation (Document No. 20) remain as set.

21

22

23

24

Dated: 9/18/09

25

26

27 By: _____

Saundra B. Armstrong
HON. SAUNDRA B. ARMSTRONG
UNITED STATES DISTRICT JUDGE

28