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9 Attorneys for Defendant  
 GREAT AMERICAN INSURANCE COMPANY

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

FLAVIUS PAYNE,  
 Plaintiff,  
 v.  
 GREAT AMERICAN INSURANCE  
 COMPANY; and DOES 1-50, Inclusive,  
 Defendants.

No. C 09-01188 PJH  
 State File No. SCV 244247

**STIPULATION CONTINUING CASE  
 MANAGEMENT CONFERENCE AND  
 ORDER CONTINUING CASE  
 MANAGEMENT CONFERENCE**

Date: October 29, 2009  
 Time: 2:30 p.m.  
 Dept.: Courtroom 3 (Oakland, CA)

Complaint Filed: December 30, 2008  
 Trial Date:  
 Judge: Hon. Phyllis J. Hamilton

Plaintiff FLAVIUS PAYNE and Defendant GREAT AMERICAN INSURANCE  
 COMPANY, through their respective counsel, hereby stipulate and agree that there is good  
 cause to continue the date for the case management conference from October 29, 2009 to a date  
 after November 20, 2009.

Pursuant to this Court's Order, the last date to complete mediation in this case is  
 November 30, 2009. The parties have selected a mediator, and the mediation is currently  
 scheduled to proceed on November 20, 2009.

1 The parties anticipated completing mediation before the pending October 29, 2009 case  
2 management conference date. The parties had agreed to conduct limited discovery before  
3 mediation, designed to permit the parties to obtain the most critical information necessary in  
4 order to successfully mediate. Unfortunately, delay in obtaining records through subpoena  
5 from medical providers, and especially from the California Department of Motor Vehicles (as a  
6 result of the California budget crisis and state employee furloughs), precluded the parties from  
7 obtaining that information in time to conclude mediation before the currently pending case  
8 management conference.

9 The parties agree and stipulate that both the parties and the court will avoid unnecessary  
10 time and expense if the case management conference is continued to a date after the pending  
11 November 20, 2009 mediation date. Should the case conclude through mediation on  
12 November 20, 2009, a case management conference will not be necessary. Should the parties  
13 not settle, the parties may obtain a better understanding of each other's respective positions and  
14 be in a better position to design a schedule for the case, should a case management conference  
15 occur after the mediation concludes.

16 The parties therefore request that the court issue its order, continuing the October 29,  
17 2009 case management conference to a date after November 20, 2009.

18 It is so stipulated.

19 DATED: October 22, 2009

BURNHAM BROWN

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22 DAVID H. WATERS  
23 Attorneys for Defendant  
GREAT AMERICAN INSURANCE COMPANY

24 DATED: October 22, 2009

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26 RICHARD JOHNSON  
27 Attorneys for Defendant  
28 GREAT AMERICAN INSURANCE COMPANY

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ORDER CONTINUING CASE MANAGEMENT CONFERENCE

IT IS HEREBY ORDERED that the case management conference in this case be  
continued from October 29, 2009 to December 10, 2009, at 2:00 p.m., in Courtroom  
3 of this court, in Oakland, CA.

DATED: October <sup>26</sup>22, 2009



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