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12 Attorneys for Plaintiff
 MARK FAGAN

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

17 MARK FAGAN,
 18 Plaintiff,
 19 v.
 20 LIFE INSURANCE COMPANY OF NORTH
 AMERICA and NOVARTIS VACCINES AND
 21 DIAGNOSTICS, INC.,
 22 Defendants.

) Case No.: CV09-02658 PJH
)
) **STIPULATION TO CONTINUE**
) **HEARING DATE FOR CROSS-**
) **MOTIONS FOR SUMMARY**
) **JUDGMENT; AND [PROPOSED]**
) **ORDER**
)
) Courtroom : 3
) Before The Honorable Phyllis J. Hamilton

**STIPULATION TO CONTINUE HEARING DATE FOR CROSS-MOTIONS FOR SUMMARY JUDGMENT;
 AND [PROPOSED] ORDER**

USDC NDCA Case #CV09-02658 PJH
 505018.1

1 Date: January 19, 2010

DELFINO, GREEN & GREEN

2
3 By: /s/ William Green
4 WILLIAM GREEN
5 Attorneys for Plaintiff
6 MARK FAGAN

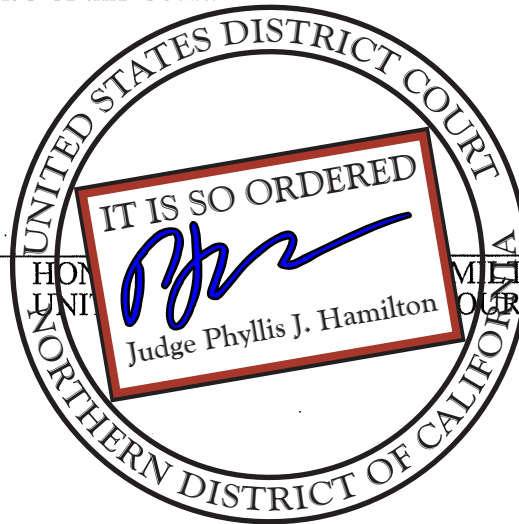
7 **ORDER**

8 The parties having stipulated as above and good cause appearing therefore, the hearing date
9 for cross-motions for summary judgment in this action is continued from March 31, 2010 at 9:00 a.m.
10 to May 19, 2010 at 9:00 a.m. in Department 3 of this Court.

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12 **IT IS SO ORDERED.**

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14 Date: 1/26/10

15 By: _____



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CERTIFICATE OF SERVICE
*Mark Fagan v. Life Insurance Company of North America and
Novartis Vaccines and Diagnostics, Inc.
USDC NDCA Case #CV09-02658 PJH*

I am a citizen of the United States. 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 is 525 California Street, 17th Floor, San Francisco, California 94105.

On this date I served the following document(s):

STIPULATION TO CONTINUE HEARING DATE FOR CROSS-MOTIONS FOR SUMMARY JUDGMENT; AND [PROPOSED] ORDER

on the parties 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 office of the addressee on the next business day.

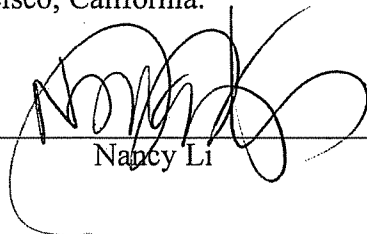
: **Facsimile** – (Only where permitted. Must consult CCP § 1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D.C.A.)

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Fax: (415) 442-4802

Attorneys for Plaintiff
MARK FAGAN

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED **January 19, 2010** at San Francisco, California.



Nancy Li