

1 John A. McGuinn, Esq. (State Bar No. 036047)
 Carolyn A. Leary, Esq. (State Bar No. 226845)
 2 McGUINN, HILLSMAN & PALEFSKY
 3 535 Pacific Avenue
 San Francisco, CA 94133
 Telephone: (415) 421-9292
 4 Attorneys for Plaintiff,
 LAURIE GIBBS HARRIS

5 MELINDA S. RIECHERT, State Bar No. 65504
 6 MORGAN, LEWIS & BOCKIUS LLP
 2 Palo Alto Square
 7 3000 El Camino Real, Suite 700
 Palo Alto, CA 94306-2122
 8 Tel: 650.843.4000
 Fax: 650.843.4001
 9 MEGAN BARRY BOROVIKA, State Bar No. 241205
 MORGAN, LEWIS & BOCKIUS LLP
 10 One Market, Spear Street Tower
 San Francisco, CA 94105-1126
 11 Tel: 415.442.1000
 Fax: 415.442.1001
 12 Attorneys for Defendants,
 NORTHWESTERN INVESTMENT MANAGEMENT COMPANY, LLC, ET AL.

13
 14
 15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**
 17 **OAKLAND DIVISION**

19 LAURIE GIBBS HARRIS,)
 20)
 Plaintiff,)
 21)
 v.)
 22)
 23 NORTHWESTERN INVESTMENT)
 MANAGEMENT COMPANY, LLC,)
 24 NORTHWESTERN MUTUAL LIFE)
 INSURANCE, LLC, and DOES)
 25 1through 20, inclusive)
 26)
 Defendants.)
 27)
 28)

Case No. CV 10-01763 CW
 e-filing
**STIPULATION AND [PROPOSED]
 ORDER REGARDING SETTLEMENT
 CONFERENCE**
 JUDGE: Hon. Claudia Wilken
 DEPT: Courtroom 2, 4th Floor
 Complaint filed: March 19, 2010
 Trial date: October 3, 2011

1 Plaintiff Laurie Gibbs Harris (“Plaintiff”) and Defendants Northwestern Investment
2 Management Company, LLC and Northwestern Mutual Life Insurance Company (“Defendants”),
3 the parties to the above-entitled action (collectively, the “Parties), submit this stipulation to the
4 Court:

5 **STIPULATION**

6 The Parties reached an oral agreement to settle this matter on September 17, 2011;

7 On September 19, 2011, this Court issued a Conditional Order of Dismissal, dismissing
8 this matter with prejudice, but providing that if the agreed consideration for settlement was not
9 delivered by December 19, 2011 the Conditional Order of Dismissal would be vacated and the
10 matter restored to the Court’s calendar to be set for trial.

11 On December 19, 2011, Plaintiff certified to the Court that consideration for the
12 settlement of this matter had not yet been delivered. Plaintiff further notified the Court that the
13 Parties were at an impasse in their negotiations concerning the issues of allocation and timing of
14 payment of the settlement funds.

15 On December 21, 2011, this Court issued an Order extending the conditional dismissal
16 for an additional ninety days and requiring the Parties to return to private mediation for further
17 settlement discussions by January 20, 2012.

18 The Parties agree that settlement of this matter is best facilitated by a mandatory
19 settlement conference before a United States Magistrate Judge. The Parties also agree that
20 Defendants, which are headquartered in Wisconsin, may appear at such a mandatory settlement
21 conference through their attorneys of record. In such case, a representative with settlement
22 authority will be available by phone.

23 This matter was previously referred to Magistrate Judge Laurel Beeler for settlement
24 purposes.

25 ///
26
27
28

1 THEREFORE, the Parties, through their respective counsel of record, hereby
2 STIPULATE to request that the Court vacate its prior Order mandating private mediation of this
3 matter and issue an order referring this matter to a settlement conference before Magistrate Judge
4 Laurel Beeler:

5 IT IS SO STIPULATED.

7 DATE: January 10, 2012

/s/ Carolyn A. Leary

8 John A. McGuinn
9 Carolyn A. Leary
10 McGuinn, Hillsman & Palefsky
11 Attorneys for Plaintiff, Laurie Gibbs Harris

12 DATE: January 10, 2012

/s/ Megan Barry Borovicka

13 Melinda S. Riechert
14 Megan Barry Borovicka
15 Morgan, Lewis & Bockius
16 Attorneys for Defendants,
17 Northwestern Investment Management Company,
18 LLC and Northwestern Mutual Life Insurance
19 Company

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

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Court's Order of December 21, 2011 is vacated to the extent that it requires Plaintiff Laurie Gibbs Harris and Defendants Northwestern Investment Management Company, LCC and Northwestern Mutual Life Insurance Company (the "Parties") to return to private mediation for further settlement discussions.

The Parties are referred to a settlement conference with Magistrate Judge Laurel Beeler at a date to be set by Judge Beeler.

DATE: 1/11/2012 
The Honorable Claudia Wilken
United States District Judge

ATTESTATION

Pursuant to General Order 45(X), I attest that concurrence in the filing of this document has been obtained from the other signatory.

Dated: January 10, 2012 By: /s/ Carolyn A. Leary
Carolyn A. Leary