

1 MELINDA S. RIECHERT, State Bar No. 65504  
 MORGAN, LEWIS & BOCKIUS LLP  
 2 2 Palo Alto Square  
 3000 El Camino Real, Suite 700  
 3 Palo Alto, CA 94306-2122  
 Tel: 650.843.4000  
 4 Fax: 650.843.4001  
 Email: mriechert@morganlewis.com

5 MEGAN BARRY BOROVIKKA, State Bar No. 241205  
 MORGAN, LEWIS & BOCKIUS LLP  
 One Market, Spear Street Tower  
 6 San Francisco, CA 94105-1126  
 Tel: 415.442.1000  
 8 Fax: 415.442.1001  
 Email: mborovicka@morganlewis.com

9 Attorneys for Defendants,  
 10 Northwestern Investment Management Company, LLC  
 and Northwestern Mutual Life Insurance Company

11 JOHN A. MCGUINN, State Bar No. 036047  
 12 CAROLYN A. LEARY, State Bar No. 226845  
 McGuinn, Hillsman & Palefsky  
 13 535 Pacific Avenue  
 San Francisco, CA 94133  
 14 Tel. 415-421-9292  
 Fax. 415-403-0202  
 15 Email: jamcguinn@mhpsf.com  
 Email: cleary@mhpsf.com

16 Attorneys for Plaintiff,  
 17 Laurie Gibbs Harris

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

20 LAURIE GIBBS HARRIS,  
 Plaintiff,  
 21 vs.  
 22 NORTHWESTERN INVESTMENT  
 23 MANAGEMENT COMPANY, LLC,  
 24 NORTHWESTERN MUTUAL LIFE  
 INSURANCE COMPANY, and DOES 1  
 through 20 , inclusive,  
 25 Defendants.

Case No. 10-01763 CW (LB)

**JOINT STIPULATION AND ORDER  
 CONTINUING DEADLINE TO FILE  
 PRETRIAL MATERIALS**

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 WHEREAS, the Court conducted a Case Management Conference and heard Defendants’  
7 *Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment* on July 14,  
8 2011;

9 WHEREAS, during the July 14, 2011 hearing, the Court encouraged the Parties to  
10 participate in private mediation;

11 WHEREAS, on July 25, 2011, the Court issued an *Order Granting in Part and Denying in*  
12 *Part Defendants’ Motion for Summary Judgment*;

13 WHEREAS, following the Court’s Order, the Parties gained new understanding of the  
14 narrowed issues proceeding to trial on October 3, 2011, and agreed to participate in a mediation  
15 with a private third-party neutral;

16 WHEREAS, accounting for the schedules of the Parties, counsel, and potential mediators,  
17 the Parties scheduled mediation for the first available date, August 23, 2011;

18 WHEREAS, on August 23, 2011, the Parties participated in a full day of mediation  
19 utilizing the services of private neutral third-party David Rotman of Gregorio, Haldeman, et al. in  
20 San Francisco, California, but were unable to resolve the case;

21 WHEREAS, the Court’s September 14, 2010 *Minute Order and Case Management Order*  
22 set trial in this matter for October 3, 2011 and a pretrial conference on September 20, 2011;

23 WHEREAS, the Court has not continued the trial date or the pretrial conference date, and  
24 the Parties do not believe a continuance of the trial date or pretrial conference date is necessary;

25 WHEREAS, pursuant to the Court’s Standing *Order for Pretrial Preparation*, the  
26 exchange of documents called for in Section 1 of the Order was to have occurred by August 23,  
27 2011, but the parties agreed to wait until after the August 23, 2011 mediation to exchange these  
28 documents;

1 WHEREAS, pursuant to the Court's Standing *Order for Pretrial Preparation*, the Parties  
2 currently must file by September 6, 2011 a joint pretrial conference statement and other  
3 documents required by Section 3 of the Order (*i.e.*, exhibit list and objections, witness list, use of  
4 discovery responses, trial briefs, motions in limine, joint proposed voir dire and jury instructions,  
5 proposed verdict forms);

6 WHEREAS, on August 26, 2011, the Court denied, without prejudice, the Parties'  
7 stipulated request to continue the pretrial document filing deadline by one week to September 13,  
8 2011 (Docket No. 65);

9 WHEREAS, in light of the above factors, and pursuant to Civil Local Rules 6-1(b) and 6-  
10 2, the Parties have agreed to request a shorter (three day) continuance of the September 6, 2011  
11 pretrial document filing deadline;

12 THEREFORE, the Parties, through their respective counsel of record, hereby  
13 STIPULATE to request that the Court continue the current September 6, 2011 pretrial filing to  
14 September 9, 2011.

15  
16 IT IS SO STIPULATED.

17  
18 DATE: August 31, 2011

/s/ Carolyn A. Leary

19 John A. McGuinn  
20 Carolyn A. Leary  
21 McGuinn, Hillsman & Palefsky  
22 Attorneys for Plaintiff, Laurie Gibbs Harris

23  
24  
25  
26  
27  
28 DATE: August 31, 2011

/s/ Megan Barry Borovicka


Melinda S. Riechert  
Megan Barry Borovicka  
Morgan, Lewis & Bockius  
Attorneys for Defendants,  
Northwestern Investment Management Company,  
LLC and Northwestern Mutual Life Insurance  
Company

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2 For the reasons described in the Parties' Joint Stipulation, the last day for the Parties for  
3 file the pretrial conference statement and other documents described in Section 3 of the Court's  
4 Standing *Order for Pretrial Preparation* shall be continued by two days, to September 8, 2011.

5 The Final Pretrial Conference remains unchanged on calendar for September 20, 2011 at  
6 2:00 p.m. The 8-day Jury Trial beginning on October 3, 2011 at 8:30 a.m. remains on calendar as  
7 previously ordered.

8  
9 DATE: 9/1/2011

  
The Honorable Claudia Wilken  
United States District Judge

10  
11  
12 **ATTESTATION**

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

15  
16 Dated: August 31, 2011

By: /s/ Megan Barry Borovicka  
Megan Barry Borovicka