

1 TERESA S. RENAHER (SBN 187800)
 2 JULIA CAMPINS (SBN 238023)
 3 LEWIS, FEINBERG, LEE, RENAHER & JACKSON, PC
 4 476-9th Street
 5 Suite 1800
 6 Oakland, California 94607
 7 Telephone: (510) 839-6824
 8 Facsimile: (510) 839-7839
 9 E-Mail: trenaker@lewis feinberg.com
 10 jcampins@lewisfeinberg.com

11 Attorneys for Plaintiff
 12 DAVID KOEHN

13 STEVEN H. FRANKEL (SBN 171919)
 14 SNR DENTON US LLP
 15 525 Market Street, 26th Floor
 16 San Francisco, California 94105
 17 Telephone: (415) 882-5000
 18 Facsimile: (415) 882-0300
 19 E-Mail: steven.frankel@snrdenton.com

20 Attorneys for Defendant
 21 FIREMAN'S FUND INSURANCE COMPANY
 22 LONG TERM DISABILITY PLAN

23 UNITED STATES DISTRICT COURT
 24 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 25 OAKLAND DIVISION

26 DAVID KOEHN,
 27 Plaintiff.
 28 vs.
 FIREMAN'S FUND INSURANCE
 COMPANY LONG TERM DISABILITY
 PLAN,
 Defendant.

No. 10-05439 CW

**STIPULATION AND ORDER
 CHANGING HEARING ON
 DEFENDANT'S MOTION TO DISMISS
 AND CHANGING DATE FOR CASE
 MANAGEMENT CONFERENCE**

[Civil L.R. 6-2]

Judge: Hon. Claudia Wilken

1 Pursuant to Civil L.R. 6-2, Plaintiff David Koehn (“Plaintiff”) and Defendant Fireman’s
2 Fund Insurance Company Long Term Disability Plan (“Defendant”), through their respective
3 counsel, stipulate and agree as follows:

4 WHEREAS, on December 1, 2010, Plaintiff filed his Complaint in this action.

5 WHEREAS, on February 2, 2011, Defendant filed its Motion to Dismiss Plaintiff’s
6 Complaint that is currently set for hearing on March 17, 2011 at 2:00 p.m.

7 WHEREAS, a Case Management Conference is currently scheduled for March 29, 2011
8 at 2:00 p.m.

9 WHEREAS, because Plaintiff and Defendant are exploring the possible settlement of
10 this action, they desire to continue the hearing on Defendant’s Motion to Dismiss, continue the
11 Case Management Conference and continue related Case Management deadlines.

12 WHEREAS, other than two stipulated extensions extending the time for Defendant to
13 respond to Plaintiff’s Complaint, there have been no other extensions of time in this action.

14 IT IS THEREFORE STIPULATED AND AGREED:

15 1. The hearing on Defendant’s Motion to Dismiss is changed from March 17, 2011 to
16 March 31, 2011 at 2:00 p.m. or such other date that is convenient for the Court’s calendar.

17 2. Defendant shall file its Reply Memorandum in support of its Motion to Dismiss by
18 no later than March 17, 2011.

19 3. The March 29, 2011 Case Management Conference is vacated, and reset to take
20 place immediately following the hearing on Defendant’s Motion to Dismiss on March 31, 2011
21 or such other date that is convenient for the Court’s calendar. A Joint Case Management
22 Conference Statement shall be filed by the parties by March 24, 2011.

23 4. The last day for the parties to meet and confer re: initial disclosures, early
24 settlement, ADR process selection and discovery; to file ADR certification, and to file
25 Stipulation to ADR process or Notice of Need for ADR Telephone Conference is extended from
26 March 3, 2011 to March 17, 2011.

27 5. The last day for the parties to file Rule 26(f) Report, complete initial disclosures or
28 state objection in Rule 26(f) Report is extended from March 17, 2011 to March 31, 2011.

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

IT IS SO STIPULATED.

Dated: February 28, 2011

LEWIS, FEINBERG, LEE, RENAHER, & JACKSON, PC

By /s/ Julia Campins
Julia Campins
Attorneys for Plaintiff
DAVID KOEHN

Dated: February 28, 2011

SNR DENTON US LLP

By /s/ Steven H. Frankel
Steven H. Frankel
Attorneys for Defendant
FIREMAN'S FUND INSURANCE
COMPANY LONG TERM DISABILITY
PLAN

[PROPOSED] ORDER

For good cause shown, the Stipulation is granted. Absent the Court being advised in advance of the dates set forth below that the parties have settled this action, the following schedule shall apply:

1. The hearing on Defendant's Motion to Dismiss is continued from March 17, 2011 to March 31, 2011 at 2:00 p.m.
2. Defendant shall file its Reply Memorandum in support of its Motion to Dismiss by no later than March 17, 2011
3. The March 29, 2011 Case Management Conference is vacated and the Case Management Conference is reset to take place immediately following the hearing on Defendant's Motion to Dismiss on March 31, 2011. A Joint Case Management Statement shall be filed by the parties by no later than March 24, 2011.


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

4. The last day for the parties to meet and confer re: initial disclosures, early settlement, ADR process selection and discovery, to file ADR certification, and to file Stipulation to ADR process or Notice of Need for ADR Telephone Conference is continued from March 3, 2011 to March 17, 2011.

5. The last day for the parties to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report is extended from March 17, 2011 to March 31, 2011.

IT IS SO ORDERED.

Dated: March 2, 2011


Claudia Wilken
United States District Judge

cc: ADR

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

CERTIFICATION

I, Steven H. Frankel, am the ECF User whose identification and password are being used to file this Stipulation and [Proposed] Changing Hearing On Defendant's Motion To Dismiss And Changing Date For Case Management Conference In compliance with General Order 45.X.B., I hereby attest that Julia Campins, counsel for Plaintiff, concurred in this filing.

Dated: February 28, 2011

/s/ Steven H. Frankel
Steven H. Frankel

