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E-Filed 5/18/09

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MUTUAL FIRE INSURANCE COMPANY

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14 Attorneys for Plaintiff
TAMIKO CARRILLO

16 UNITED STATES DISTRICT COURT OF CALIFORNIA
17 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

19 TAMIKO CARRILLO,

No. C 07-01979 JF

20 Plaintiff,

**STIPULATED REQUEST FOR
ORDER CHANGING TIME;
{PROPOSED} ORDER**
[Local Rules 6-2, 7-12]

21 vs.

22 NATIONWIDE MUTUAL FIRE
INSURANCE COMPANY, NATIONWIDE
23 MUTUAL INSURANCE, ALLIED
INSURANCE,

Amended Complaint
Filed: 07/25/07
Trial Date: None Set

24 Defendants.

[Hon. Jeremy Fogel]

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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Defendant Nationwide Mutual Fire Insurance Company (“Nationwide Fire”), by and
3 through its attorneys of record, Rudloff Wood and Barrows LLP, and Plaintiff Tamiko Carrillo
4 (“Plaintiff”), by and through her attorneys of record, Mannion & Lowe, hereby stipulate:

5 WHEREAS, completing discovery related to Plaintiff’s medical providers has been
6 delayed due to the parties’ discovery dispute; and

7 WHEREAS, the parties have not been able to resolve the dispute by meeting and
8 conferring and may need to seek the Court’s intervention to resolve this issue; and

9 WHEREAS, the non-expert discovery cut-off is presently set for May 21, 2009; and

10 WHEREAS, other court dates are presently set as follows:

- 11 • Expert Disclosures: May 29, 2009
- 12 • Completion of ADR: May 31, 2009
- 13 • Expert Rebuttal: June 8, 2009
- 14 • Complete Expert Discovery: July 6, 2009
- 15 • Dispositive Motions: August 7, 2009; and

16 WHEREAS, the parties agree that the resolution of the discovery dispute by motion
17 practice cannot be completed prior to the May 21, 2009 non-expert discovery cut-off; and

18 WHEREAS, the parties have until May 31, 2009 to complete private mediation; and

19 WHEREAS Nationwide Fire has moved for partial summary judgment that it did not owe
20 a duty to defend and that it did not breach the implied covenant of good faith and fair dealing
21 (“bad faith”), which is set for hearing on June 12, 2009;

22 WHEREAS Plaintiff has also moved for partial summary judgment on the issue of duty to
23 defend, and her motion is also set for hearing on June 12, 2009;

24 WHEREAS, the parties believe that the determination of the issue of duty to defend and
25 bad faith would significantly influence and potentially contribute to the future settlement of the
26 case through the ADR process; and

27 WHEREAS, the parties previous stipulations for order changing time to complete ADR
28 process and for other extensions of court deadlines were warranted by the circumstances of the

1 case at the time and for good cause; and

2 WHEREAS, the parties agree to extend the time to complete non-expert discovery and
3 related court dates as follows:

- 4 • Completion of ADR: July 31, 2009
- 5 • Non-expert Discovery: August 21, 2009
- 6 • Expert Disclosures: August 28, 2009
- 7 • Expert Rebuttal: September 8, 2009
- 8 • Complete Expert Discovery: October 6, 2009
- 9 • Dispositive Motions: November 6, 2009

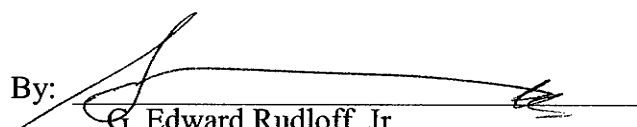
10 THEREFORE THE PARTIES STIPULATE AS FOLLOWS:

11 1. The parties agree to extend the court dates indicated below as follows:

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- 13 • Non-expert Discovery: August 21, 2009
- 14 • Expert Disclosures: August 28, 2009
- 15 • Expert Rebuttal: September 8, 2009
- 16 • Complete Expert Discovery: October 6, 2009
- 17 • Dispositive Motions: November 6, 2009

18 DATED: May 15, 2009

RUDLOFF WOOD & BARROWS LLP

19
20 By: 
21 G. Edward Rudloff, Jr.
Edward P. Murphy
Anna A. Chopova

22 Attorneys for Defendant NATIONWIDE
23 MUTUAL FIRE INSURANCE COMPANY

24 DATED: May __, 2009

MANNION & LOWE

25
26 By: _____
27 E. Gerard Mannion
Demian I. Oksenendler

28 Attorneys for Plaintiff TAMIKO CARRILLO

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MUTUAL FIRE INSURANCE COMPANY

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MANNION & LOWE

26 By: _____
E. Gerard Mannion
Demian I. Oksendler

Attorneys for Plaintiff TAMIKO CARRILLO

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[PROPOSED] ORDER


IT IS SO ORDERED, based on the Stipulation set forth above, and GOOD CAUSE APPEARING, that:

1. The court dates indicated below are extended as follows:

- Completion of ADR: July 31, 2009
- Non-expert Discovery: August 21, 2009
- Expert Disclosures: August 28, 2009
- Expert Rebuttal: September 8, 2009
- Complete Expert Discovery: October 6, 2009
- Dispositive Motions: November 6, 2009

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 5/18/09 _____



THE HONORABLE JEREMY FOGEL
United States District Court
Northern District of California

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