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28 UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

23 MICHELLE T. WAHL, on behalf of  
24 herself and all others similarly situated,

25 Plaintiff,

26 v.

27 AMERICAN SECURITY INSURANCE  
28 COMPANY; and DOES 1-50, inclusive,

Defendants.

Case No. C:08-0555-RS

CLASS ACTION

STIPULATION AND [PROPOSED]  
ORDER VACATING CASE  
MANAGEMENT SCHEDULING  
ORDER ENTERED ON MARCH 4,  
2011 AND SETTING SCHEDULE  
FOR MOTION FOR PRELIMINARY  
APPROVAL OF SETTLEMENT

1 The parties, by their undersigned counsel, hereby submit the following stipulation and  
2 [proposed] order for entry by this Court pursuant to Local Rule 7-12:

3 1. On March 4, 2011, the Court approved a four (4) week extension of all pre-trial  
4 deadlines based on the parties' stipulation seeking that extension to give them time to attend a  
5 settlement mediation on March 24, 2011. This mediation session was conducted by Judge Ronald  
6 M. Sabraw (retired) to whom Judge Infante referred the parties since his schedule is booked until the  
7 end of May, 2011. *See* Stipulation and Order Amending the Case Management Scheduling Order  
8 Entered on January 27, 2011, entered on March 4, 2011 (Document 169).

9 2. The parties agreed to a class-wide settlement of this action at the March 24, 2011  
10 mediation. The parties have begun the process of memorializing this class-wide settlement in a  
11 written settlement agreement together with various exhibits thereto, and of drafting the proposed  
12 notice to the settlement class and a Joint Motion for Preliminary Approval of the Settlement and  
13 Directing Settlement Notice to the Class.

14 3. The parties have agreed that the settlement papers will be completed within 45 days  
15 of the March 24, 2011 mediation, and will be ready to submit to the Court for preliminary approval  
16 at that time. Further, the parties believe that the Plaintiff's motion for preliminary approval should  
17 be heard on a shortened schedule, because Defendant will respond very shortly after the motion is  
18 filed confirming it does not oppose preliminary approval of the proposed settlement. Accordingly,  
19 the parties stipulate and hereby request that the Court enter the following schedule:

- 20 a. Plaintiff's Motion for Preliminary Approval of the Settlement and Directing  
21 Settlement Notice to the Class to be filed no later than May 12, 2011;
- 22 b. Defendant's Response to be filed no later than May 19, 2011 and
- 23 c. Hearing on Joint Motion for Preliminary Approval of the Settlement and Directing  
24 Settlement Notice to the Class to be held on June 2, 2011, at 9:00 a.m.

25 4. The parties also request that the Court vacate all existing pre-trial deadlines  
26 established in the Stipulation and Order Amending the Case Management Scheduling Order Entered  
27 on January 27, 2011, entered on March 4, 2011 (Document 169). The parties believe that vacating  
28 these pre-trial deadlines is appropriate here since they have entered a proposed class-wide settlement

1 that will be submitted to this Court for preliminary approval by June 2, 2011 and the preliminary  
2 approval motion will ask that the Court set a Final Approval Hearing approximately 100 days  
3 thereafter. Proceeding with pre-trial activities while approval of a proposed class-wide settlement is  
4 pending would not be efficient for the Court or the parties, and certainly will not facilitate the  
5 resolution of this action.

6 The Parties respectfully request that the Court enter this Stipulation.

7 Dated: March 30, 2011

8 **AGREED TO BY:**

9 **STEMBER FEINSTEIN DOYLE  
& PAYNE, LLC**

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**ATTORNEYS FOR PLAINTIFF**

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

Dated: 3/30, 2011

  
\_\_\_\_\_  
Honorable Richard Seeborg

**JORDEN BURT LLP**

By: s/ Frank G. Burt (per e-mail consent)

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