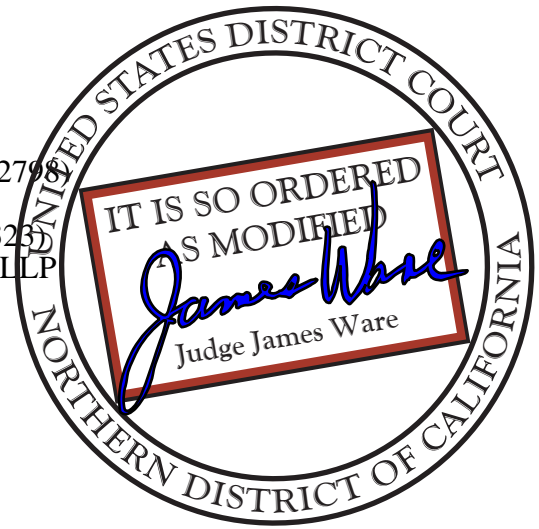


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ALLSTATE INSURANCE COMPANY



11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

SONNENSCHN NATH & ROSENTHAL LLP
2121 N. California Blvd., Suite 800
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15 STEPHEN M. HOHS,
16 Plaintiff,

17 vs.

18 ALLSTATE INSURANCE COMPANY
and DOES 1 through 100, inclusive,
19 Defendants.

No. C 08-02177 JW

20 STIPULATION AND [PROPOSED] ORDER CONTINUING TRIAL

22 Pursuant to Civil L.R. 7-1, 7-12 and 40-1, the parties, by and through their respective
23 counsel of record, hereby stipulate and agree as follows and respectfully request that the Court
24 approve and give effect to their stipulation:

25 Allstate noticed its Motion For Summary Judgment Or, In The Alternative, Partial
26 Summary Judgment (the "Motion") for hearing on November 23, 2009;

27 The Court continued the hearing on the Motion to February 1, 2010;

1 Pursuant to the Court's September 10, 2009 order, the parties' joint pretrial conference
2 statement, *in limine* motions and proposed jury instructions are due February 8, 2010, only seven
3 days after the hearing on the Motion; and

4 The parties want to maximize judicial efficiency and conserve resources by limiting trial
5 preparation activities until the Court has had the opportunity to rule on the Motion and
6 potentially narrow the issues for trial or eliminate the need for trial.

7 THEREFORE, IT IS AGREED AND STIPULATED THAT the new trial and attendant
8 dates are as follows:

- 9 1. Joint pretrial statement, *in limine* motions
10 and proposed jury instructions due April 13, 2010
- 11 2. Final pretrial conference May 17, 2010
- 12 3. Jury selection June 1, 2010
- 13 4. Trial June 2, 2010

14 IT IS SO STIPULATED.

15
16 FILER'S ATTESTATION:

17 Pursuant to General Order No. 45, section X(B) regarding signatures, I attest under
18 penalty of perjury that the concurrence in the filing of this document has been obtained from its
19 signatories.

20 DATED: November 5, 2009 By: /s/ MICHELLE A. BRADLEY
21 Michelle Bradley

22 Dated: November 5, 2009 STEPHEN HOHS

23
24
25 By /s/ Stephen Hohs
STEPHEN HOHS

26 Plaintiff *Pro Se*

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Dated: November 5, 2009

SONNENSCHN NATH & ROSENTHAL LLP

By /s/ Michelle A. Bradley
MICHELLE BRADLEY

Attorneys for Defendant
ALLSTATE INSURANCE COMPANY

ORDER


The parties having stipulated thereto and good cause appearing, IT IS HEREBY ORDERED THAT the new trial and attendant dates are as follows:

1. Joint pretrial statement, *in limine* motions **March 15, 2010**
and proposed jury instructions due
2. Final pretrial conference **April 12, 2010 at 11 a.m.**
3. Jury selection **April 27, 2010 at 9 a.m.**
4. Trial **April 28-30, 2010, 1 p.m. - 4 p.m.**
May 4-7, 2010, 1 p.m. - 4 p.m.
Submit: May 11, 2010 at 1 p.m.

In light of this Order and the Clerk's Notice moving the hearing on Defendant's Motion for Summary Judgment from November 23, 2009 to **February 1, 2010 at 9 a.m.**, Plaintiff's request for extension of time to file an Opposition is moot. (Docket Item No. 25.) The Court reminds Plaintiff that even though he is *pro se*, all requests requiring the Court to take action must be filed as a Motion in accordance with the Civil Local Rules of Court and not by personal letter to the Court.

Plaintiff shall file his Opposition, if any, to Defendant's Motion for Summary Judgment on or before **January 11, 2010**. Defendant's Reply, if any, shall be filed on or before **January 19, 2010**.

Dated: November 19, 2009



JAMES WARE
United States District Judge