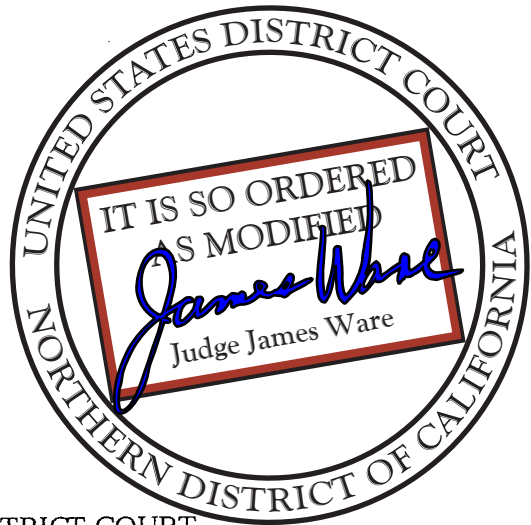


1 GARY S. ROSE (#83744)  
2 CHARLES B. PERKINS (#126942)  
3 FLYNN, ROSE & PERKINS  
4 59 North Santa Cruz Avenue, Suite Q  
5 Los Gatos, California 95030  
6 (408) 399-4566  
7 gsroselaw@hotmail.com  
8 cbperk@earthlink.net

9 Attorneys for DR. JOEL DREXEL



10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 DR. JOEL DREXEL,

13 Plaintiff,

14 vs.

15 BERKSHIRE LIFE INSURANCE  
16 COMPANY OF AMERICA; THE  
17 GUARDIAN LIFE INSURANCE  
18 COMPANY OF AMERICA, DOES I  
19 THROUGH V, INCLUSIVE, AND ROE  
20 CORPORATIONS I THROUGH V,  
21 INCLUSIVE,

22 Defendants.

) Case No. CV08 3653 JW  
)  
)

) STIPULATION TO CONTINUE  
) MEDIATION DEADLINE, CLOSE OF  
) DISCOVERY, LAST DAY FOR  
) HEARING DISPOSITIVE MOTIONS,  
) PRELIMINARY PRE-TRIAL  
) CONFERENCE and [PROPOSED]  
) ORDER

23 The parties hereto, by their attorneys of record, hereby stipulate as follows:

24 WHEREAS, this case arises out of Defendants' denial of Plaintiff's claim for long-term  
25 disability benefits;

26 WHEREAS Plaintiff JOEL DREXEL has previously been represented by his father-in-  
27 law, Reza Athari, an immigration law specialist;

28 WHEREAS, on April 7, 2009, Plaintiff JOEL DREXEL filed papers to substitute Gary S.  
Rose and Charles B. Perkins of Flynn, Rose & Perkins, A Professional Association, whose  
practice emphasizes insurance disputes and disability benefit litigation, as his counsel of record;

WHEREAS, this case is currently subject to the following schedule:

Deadline to complete mediation, May 6, 2009

STIPULATION TO CONTINUE MEDIATION DEADLINE, CLOSE OF DISCOVERY, LAST DAY FOR HEARING  
DISPOSITIVE MOTIONS, PRELIMINARY PRE-TRIAL CONFERENCE and [PROPOSED] ORDER  
Case No. CV08 3653 JW

1 Close of all discovery, August 3, 2009  
2 Last day for hearing of dispositive motions, October 5, 2009  
3 Preliminary Pre-Trial Conference, June 29, 2009

4 WHEREAS, the current schedule will require the attorneys for the parties to spend  
5 substantial time and incur significant costs in the short term;

6 WHEREAS, Plaintiff's new counsel and Defendant's counsel have met and conferred and  
7 agreed that the parties are more likely to have a successful mediation, thereby avoiding potentially  
8 unnecessary costs and use of court time, if the current deadlines are continued for approximately  
9 120 days;

10 NOW, THEREFORE, the parties to this matter, by and through their attorneys of record,  
11 hereby stipulate to continuance of the pending deadlines in this matter and request the court to  
12 enter an order in accord with this stipulation. The new dates proposed by the parties are as  
13 follows:

14 Deadline to complete mediation, September 4, 2009  
15 Close of all discovery, December 2, 2009  
16 Last day for hearing dispositive motions, February 1, 2010  
17 Preliminary Pre-Trial Conference, October 26, 2009

18 IT IS SO STIPULATED:

19 DATE: April 10, 2009

20 FLYNN, ROSE & PERKINS

21 By Charles B Perkins  
22 CHARLES B. PERKINS  
23 Attorney for Joel Drexel

24 DATE: April 10, 2009

25 WILSON, ELSER, MOSKOWITZ, EDELMAN  
26 & DECKER, LLP

27 By Sean P Nalty  
28 SEAN P. NALTY  
Attorney for Berkshire Life Ins.  
Co. of America and The Guardian  
Life Ins. Co. of America

1  
2  
3 *James Ware* **PROPOSED ORDER**  
4

5 Having considered the Stipulation of the parties requesting the continuance of the  
6 mediation deadline, the close of discovery, the last day for dispositive motions, and the preliminary  
7 pretrial conference, and, good cause appearing, the court hereby vacates the existing dates and  
8 orders the parties to comply with the following schedule:

9  
10 Deadline to Complete Mediation: **July 6, 2009**  
11 Close of All Discovery: **September 14, 2009**  
12 Last Date for hearing of Dispositive Motions: **November 16, 2009 at 9 a.m.**  
13 Preliminary Pre-Trial Conference: **August 31, 2009 at 11 a.m.**  
14 Preliminary Pre-Trial Statement: **August 21, 2009**

15 IT IS SO ORDERED.

16 DATE: April 28, 2009

17   
18 THE HONORABLE JAMES WARE  
19 U.S. District Court Judge