

1 RACHEL B. COWEN (SBN 6217360) (*Pro Hac Vice*)
 2 rachel.cowen@dlapiper.com
 3 **DLA PIPER LLP (US)**
 4 203 North LaSalle Street, Suite 1900
 5 Chicago, IL 60601
 6 Tel: (312) 368-7044
 7 Fax: (312) 251-5844

8 Attorney for Defendants
 9 METROPOLITAN LIFE INSURANCE COMPANY,
 10 METLIFE ENTERPRISE GENERAL INSURANCE
 11 AGENCY, INC., and METLIFE SECURITIES

12 RICHARD B. GLICKMAN (Bar No. CA 47898)
 13 glickmanlawcorp@yahoo.com
 14 **RICHARD B. GLICKMAN A PROFESSIONAL CORP.**
 15 One Maritime Plaza, Suite 1600
 16 San Francisco, CA 94111
 17 Tel: (415) 362-7685
 18 Fax: (415) 781-1034

19 Attorney for Plaintiff
 20 LOAY S. NASER

21 UNITED STATES DISTRICT COURT
 22 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 23 SAN JOSE DIVISION

24 LOAY S. NASER,

25 Plaintiff,

26 v.

27 METROPOLITAN LIFE INSURANCE
 28 COMPANY, METLIFE ENTERPRISE
 29 GENERAL INSURANCE AGENCY, INC.
 30 AND METLIFE SECURITIES,

31 Defendants.

CASE NO. CV 5:10-04475 EJD

**STIPULATION [AND ~~PROPOSED~~
 ORDER] TO MODIFY PRE-TRIAL AND
 TRIAL DATES**

32 Plaintiff LOAY S. NASER (“Plaintiff”) and Defendants METROPOLITAN LIFE
 33 INSURANCE COMPANY, METLIFE ENTERPRISE GENERAL INSURANCE AGENCY,
 34 INC., AND METLIFE SECURITIES (collectively “Defendants”), by and through their attorneys

1 of record, hereby stipulate as follows:

2 Pursuant to the Court's July 3, 2012 Pre-Trial Order (ECF No. 61), the following dates are
3 set in this matter:

| 5 EVENT | 6 DATE |
|--|---|
| 7 Final Pre-Trial Conference | 8 3/15/13 at 11:00 a.m. |
| 9 Joint Final Pre-Trial Conference 10 Statements, Motions in Limine, and 11 Exchange of Exhibits | 12 3/1/13 |
| 13 Voir Dire Questions, Proposed Jury 14 Instructions, and Proposed Jury Verdict 15 Forms | 16 3/5/13 |
| 17 Jury Selection | 18 3/25/13 at 9:00 a.m. |
| 19 Jury Trial | 20 3/27/13 (full day); 4/1/13 (½ day); 4/2- 21 4/4 (full days); 4/8 (½ day); 4/9 (full 22 day); 4/11 (full day); 4/15 (½ day); 4/16- 23 4/18 (full days) |
| 24 Jury Deliberations | 25 4/22 – 4/26/13 |

26 Counsel for the Plaintiff respectfully requests that the Court extend the pre-trial and trial
27 dates for two reasons. First, counsel for both parties have a religious conflict with the existing
28 pre-trial and trial dates. Specifically, counsel for the Plaintiff is an observant Jew and will be
unavailable for trial during the Passover holiday, which begins at sundown on March 25, 2013,
and concludes at sundown on April 2, 2013. Counsel for the Defendants, as well as Defendants'
in-house counsel, are also Jewish and will be unavailable during the first two days of Passover
(March 25th and 27th).

Counsel for the Defendants does not object to counsel for Plaintiff's request to
accommodate the Passover holiday. However, the court's trial calendar and counsel for the
Defendants' trial schedule is such that the Passover holiday cannot be accommodated by pushing
back the dates of the trial as it is currently scheduled.

Specifically, to avoid the Passover holiday, jury selection would need to be moved to
Monday, April 8, 2013. To compensate for this move, five full additional trial days would need

1 to be added to the currently-scheduled end-date of April 18, 2013. The trial would then conclude
2 on April 30, 2013, with jury deliberations set for the week of May 6 – 10, 2013.

3 However, defense counsel has a pre-trial conference set for May 1, 2013, and trial set for
4 May 20, 2013, in another matter, *Potter v. MetLife et. al.*, Case 11-C-51, in the Circuit Court of
5 Putnam County, West Virginia. Following that trial, Defense counsel's schedule is such that she
6 is not available until after August 1, 2013: counsel has a pre-trial conference set for June 6, 2013,
7 and trial set for June 18, 2013, in another matter, *Silk v. Heyer, et. al.*, Case No. 2011 L 009961,
8 in the Circuit Court of Cook County, Illinois; and will be out of the country on a pre-paid
9 vacation during the first week of July 2013.

10 Both counsel are thereafter freely available except for the Jewish holidays -- i.e.,
11 September 4-6, 13, 18-20 and 25-27, and for the period from October 28-November 8.

12 Second, counsel for Plaintiff respectfully requests that the Court extend the pre-trial and
13 trial dates because he needs time to obtain new co-counsel and give them an opportunity to
14 properly learn the case and then participate fully in all pre-trial and trial tasks. Specifically, on
15 December 19, 2012, then co-counsel for Plaintiff (i.e., Work/Environment Law Group) filed a
16 Disassociation as Counsel with this Court, which the Court approved on December 20, 2012.

17 Plaintiff has diligently sought a replacement co-counsel and has received expressions of
18 interest, but a lack of willingness to commit to become co-counsel until after the Court rules on
19 the parties' pending motions for summary judgment (ECF Nos. 89 and 94) and Defendants'
20 motion to strike. (ECF No. 71). The three motions are set for Hearing before the Court on March
21 1, 2013, at 9:00 a.m. Once new co-counsel for Plaintiff is retained, co-counsel will need a
22 reasonable time to prepare for trial. Counsel for the Defendants does not object to counsel for the
23 Plaintiff's request, provided that the re-scheduled dates do not conflict with counsel's trial
24 schedule.

25 NOW, THEREFORE, the parties jointly stipulate that they hereby request the Court to (1)
26 vacate the above-noted pre-trial and trial dates set forth in the Court's July 3, 2012 Pre-Trial
27 Order (ECF No. 61); (2) set the start of pre-trial and trial dates to begin on or about August 1,
28 2013; and (3) set the time for (a) Exchange of Exhibits, (b) Submission of Joint Final Pre-Trial

1 Conference Statements, Motions in Limine, Voir Dire Questions, Proposed Jury Instructions and
2 Proposed Jury Verdict Forms, and (c) the Final Pre-Trial Conference in accordance with the new
3 trial date.

4 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

5 Dated: January 25, 2013

6 DLA PIPER LLP (US)

7 By /s/Rachel Cowen

8 RACHEL B. COWEN
9 **DLA Piper LLP (US)**
10 203 North LaSalle Street, Suite 1900
11 Chicago, IL 60601
12 Tel: (312) 368-7044
13 Fax: (312) 251-5844
14 rachel.cowen@dlapiper.com

15 Dated: January 25, 2013

16 By /s/Richard Glickman

17 RICHARD B. GLICKMAN
18 **Richard B. Glickman A Professional**
19 **Corporation**
20 1 Maritime Plaza, Suite 1600
21 San Francisco, CA 94111
22 Tel: (415) 362-7685
23 Fax: (415) 781-1034
24 Cell: (925) 368-6851
25 glickmanlawcorp@yahoo.com