

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
LEWIS T. BABCOCK, JUDGE

Civil Case No. 04-cv-01619-LTB-BNB

TINA GARCIA,  
Plaintiff,

v.

BERKSHIRE LIFE INSURANCE COMPANY OF AMERICA, a wholly owned Subsidiary of  
The Guardian Life Insurance Company of America, and

THE GUARDIAN LIFE INSURANCE COMPANY OF AMERICA, a foreign Insurance  
Company,  
Defendants.

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ORDER

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As further set forth on the record at the status conference held on November 9, 2009,

IT IS HEREBY ORDERED as follows:

Plaintiff's Motion to Vacate Order and for Continuance [**Doc # 409**] – in which Plaintiff seeks a continuance of this status/scheduling hearing and the follow-on evidentiary hearing related to the issue on remand from the Tenth Circuit – is GRANTED and, as a result, a scheduling hearing is scheduled for **Tuesday, December 29, 2009, at 9:00 am.**

In anticipation of that hearing, the parties shall file a Joint Proposed Scheduling Order, pursuant to Fed. R. Civ. P. 16, **on or before Wednesday, December 23, 2009.**

Dated: November 9, 2009 in Denver, Colorado.

BY THE COURT:

s/Lewis T. Babcock  
LEWIS T. BABCOCK, JUDGE