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MOORE CONSTRUCTION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MOORE CONSTRUCTION CO.,

Plaintiff,

vs.

QUANTA SPECIALTY LINES INSURANCE
COMPANY,

Defendant.

Case No. 1:08-cv-00020-SMS

**STIPULATION AND ORDER TO
CONTINUE HEARING DATE ON
DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT AND TO CONTINUE TRIAL
DATE**

Plaintiff Moore Construction, by and through its counsel Franck & Associates, submits the following Stipulation and Order to continue (i) Defendant Quanta Specialty Lines Insurance Company's ("Quanta") hearing on its Motion for Summary Judgment from March 13, 2009 to April 3, 2009, and (ii) to continue the trial date from April 13, 2009 to June 1, 2009, and all pretrial deadlines by 45 days. The reasons for this stipulation and order are as follows:

1. On June 27, 2008, the Court issued a Scheduling Conference Order which specified that all Dispositive Pre-Trial motions be filed on or before January 9, 2009 and also set the Pre-Trial Conference date for March 5, 2009 at 1:30 pm in Courtroom No. 7. The Court further set a trial date for April 13, 2009 at 9:00 am in Courtroom No. 7.
2. On December 15, 2008, the Court adopted a stipulation signed by counsel for both parties which (i) extended the discovery deadline from December 19, 2008 to January 19, 2009, and (ii) extended the dispositive motions deadline from January 9, 2009 to February 9, 2009. However, the Pre-Trial Conference remained set for March 5, 2009 and the trial date remained set for April 13, 2009.
3. On February 9, 2009, Quanta filed a Motion for Summary Judgment set for hearing on March 13, 2009.
4. On February 10, 2009, Moore Construction requested that Quanta continue the hearing on its Motion for Summary Judgment (“MSJ”) from March 13, 2009 to April 3, 2009, due to the fact that counsel for Plaintiff Moore Construction had several other summary judgment motions in other matters to respond to in the same time frame. Moreover, counsel for Plaintiff Moore Construction pointed out that it would be odd to conduct the Pre-Trial Conference prior to the hearing date set for Defendant’s MSJ.
5. On February 11, 2009, counsel for Quanta responded that Quanta would agree to continue its MSJ to April 3, 2009 if the trial date and attendant pretrial deadlines were continued by 45 days. Quanta indicated that it would like to have its MSJ decided before incurring additional litigation costs preparing for trial. Moore Construction agreed to the 45 continuance.

Wherefore, it is stipulated and agreed that (i) the trial date be continued from April 13, 2009 to June 1, 2009, and all pretrial deadlines be continued by 45 days; and (ii) the hearing on Quanta's Motion for Summary Judgment be continued from March 13, 2009 to April 3, 2009.

IT IS SO STIPULATED.

Dated: February 17, 2009

Nixon Peabody LLP

By: /s/ Andrew Neilson
Donald E. Dorfman
Andrew R. Neilson
Attorneys for Defendant
QUANTA SPECIALTY LINES INSURANCE
COMPANY

Dated: February 17, 2009

Franck & Associates

By: /s/ Chiayu V. Chang
Herman Franck
Chiayu V. Chang
Attorneys for Plaintiff
MOORE CONSTRUCTION COMPANY

For good cause showing, it is hereby ordered that (i) the hearing on Quanta's motion for summary judgment is continued from March 13, 2009, to MAY 1, 2009 at 9:30a.m. (not April 3, 2009); (ii) the trial date in this matter is continued from April 13, 2009 to AUGUST 17, 2009 at 9:00a.m. (not June 1, 2009); and (iii) the pretrial conference is continued from March 5, 2009 to JUNE 30, 2009 at 1:30pm (not May 20, 2009).

IT IS SO ORDERED.

Dated: 2/18/2009

/s/ Sandra M. Snyder
Hon. Sandra M. Snyder
United States Magistrate Judge