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10 MOORE CONSTRUCTION

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13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 MOORE CONSTRUCTION CO.,

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

17 Plaintiff,

18 vs.

19 QUANTA SPECIALTY LINES INSURANCE
20 COMPANY,

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

Defendant.

20 Plaintiff Moore Construction, by and through its counsel Franck & Associates, submits the
21 following Stipulation and Order to continue (i) Defendant Quanta Specialty Lines Insurance
22 Company's ("Quanta") hearing on its Motion for Summary Judgment from March 13, 2009 to April
23 3, 2009, and (ii) to continue the trial date from April 13, 2009 to June 1, 2009, and all pretrial
24 deadlines by 45 days. The reasons for this stipulation and order are as follows:

1 1. On June 27, 2008, the Court issued a Scheduling Conference Order which specified that all
2 Dispositive Pre-Trial motions be filed on or before January 9, 2009 and also set the Pre-Trial
3 Conference date for March 5, 2009 at 1:30 pm in Courtroom No. 7. The Court further set a
4 trial date for April 13, 2009 at 9:00 am in Courtroom No. 7.

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6 2. On December 15, 2008, the Court adopted a stipulation signed by counsel for both parties
7 which (i) extended the discovery deadline from December 19, 2008 to January 19, 2009, and
8 (ii) extended the dispositive motions deadline from January 9, 2009 to February 9, 2009.
9 However, the Pre-Trial Conference remained set for March 5, 2009 and the trial date
10 remained set for April 13, 2009.

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12 3. On February 9, 2009, Quanta filed a Motion for Summary Judgment set for hearing on March
13 13, 2009.

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15 4. On February 10, 2009, Moore Construction requested that Quanta continue the hearing on its
16 Motion for Summary Judgment (“MSJ”) from March 13, 2009 to April 3, 2009, due to the
17 fact that counsel for Plaintiff Moore Construction had several other summary judgment
18 motions in other matters to respond to in the same time frame. Moreover, counsel for
19 Plaintiff Moore Construction pointed out that it would be odd to conduct the Pre-Trial
20 Conference prior to the hearing date set for Defendant’s MSJ.

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22 5. On February 11, 2009, counsel for Quanta responded that Quanta would agree to continue its
23 MSJ to April 3, 2009 if the trial date and attendant pretrial deadlines were continued by 45
24 days. Quanta indicated that it would like to have its MSJ decided before incurring additional
25 litigation costs preparing for trial. Moore Construction agreed to the 45 continuance.

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1 Wherefore, it is stipulated and agreed that (i) the trial date be continued from April 13, 2009 to June
2 1, 2009, and all pretrial deadlines be continued by 45 days; and (ii) the hearing on Quanta's Motion
3 for Summary Judgment be continued from March 13, 2009 to April 3, 2009.

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5 IT IS SO STIPULATED.

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7 Dated: February 17, 2009

Nixon Peabody LLP

9 By: /s/ Andrew Neilson

10 Donald E. Dorfman

11 Andrew R. Neilson

12 Attorneys for Defendant

13 QUANTA SPECIALTY LINES INSURANCE
14 COMPANY

15 Dated: February 17, 2009

Franck & Associates

16 By: /s/ Chiayu V. Chang

17 Herman Franck

18 Chiayu V. Chang

19 Attorneys for Plaintiff

20 MOORE CONSTRUCTION COMPANY

21 For good cause showing, it is hereby ordered that (i) the hearing on Quanta's motion for summary
22 judgment is continued from March 13, 2009, to MAY 1, 2009 at 9:30a.m. (not April 3, 2009); (ii) the
23 trial date in this matter is continued from April 13, 2009 to AUGUST 17, 2009 at 9:00a.m. (not June
24 1, 2009); and (iii) the pretrial conference is continued from March 5, 2009 to JUNE 30, 2009 at
25 1:30pm (not May 20, 2009).

26 IT IS SO ORDERED.

27 Dated: 2/18/2009

28 /u/ Sandra M. Snyder

Hon. Sandra M. Snyder

United States Magistrate Judge