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2 A Professional Corporation  
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6 Attorneys for Plaintiff  
7 FIRST BANK, a Missouri banking corporation

8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**

10  
11 FIRST BANK, a Missouri banking  
12 corporation,

13 Plaintiff,

14 vs.

15 AMERICAN CONTRACTORS  
16 INDEMNITY COMPANY, a California  
17 corporation; and DOES 1-50,

Defendants.

Case No. 1:10-cv-00548 LJO SMS

**FURTHER STIPULATION AND ORDER  
CONTINUING HEARING DATE OF  
DEFENDANT'S MOTION TO DISMISS**

Date: July 1, 2010  
Time: 8:30 a.m.  
Dept.: 4

18 Plaintiff First Bank, a Missouri banking corporation, and defendant American Contractors  
19 Indemnity Company, a California corporation, (hereinafter, "ACIC") hereby stipulate as follows:

20 WHEREAS, defendant ACIC noticed its motion to dismiss for hearing on June 10, 2010.

21 AND WHEREAS, the hearing was continued by stipulation and order to July 1, 2010.

22 AND WHEREAS, plaintiff First Bank and defendant ACIC have agreed to settle this  
23 lawsuit and are in the process of documenting a settlement agreement that will result in dismissal  
24 of this lawsuit.

25 AND WHEREAS, plaintiff First Bank and defendant ACIC agree that a 21-day  
26 continuance of the hearing and due dates for opposition and reply briefs would serve the interests  
27 of justice.

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SAN FRANCISCO

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**FURTHER STIPULATION AND ORDER CONTINUING HEARING DATE**

1 AND WHEREAS, one prior continuance of the hearing date or briefing schedule has been  
2 sought or obtained.

3 NOW THEREFORE, it is stipulated and agreed that defendant ACIC's motion to dismiss  
4 shall be heard on July 22, 2010 at 8:30 a.m., in Courtroom 4 of the above-entitled court; plaintiff  
5 First Bank's opposition brief shall be filed and served on or before July 8, 2010; and, defendant  
6 ACIC's reply brief shall be filed on or before July 15, 2010.

7  
8 DATED: June 16, 2010

BUCHALTER NEMER  
A Professional Corporation

9  
10 By: /s/ Jeffrey B. Kirschenbaum  
Jeffrey B. Kirschenbaum  
11 Attorneys for Plaintiff, FIRST BANK

12 DATED: June 16, 2010

13 RAUL L. MARTINEZ  
MARK A. OERTEL  
LEWIS BRISBOIS BISGAARD & SMITH  
14 LLP

15 By: /s/ Raul L. Martinez  
Raul L. Martinez  
16 Attorney for AMERICAN CONTRACTORS  
17 INDEMNITY COMPANY

18 **ORDER**

19 Good cause appearing therefore:

20 1. The hearing of defendant ACIC's motion to dismiss is continued to July 22, 2010,  
21 at 8:30 a.m., in Courtroom 4 of the above-entitled court.

22 2. Plaintiff First Bank's opposition brief shall be filed and served on or before July 8,  
23 2010.

24 3. Defendant ACIC's reply brief shall be filed and served on or before July 15, 2010.

25 **IT IS SO ORDERED.**

26 Dated: June 16, 2010

/s/ Lawrence J. O'Neill

27 UNITED STATES DISTRICT JUDGE