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 FIRST BANK, a Missouri banking corporation
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8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA – BAKERSFIELD DIVISION**

11 FIRST BANK, a Missouri banking
 corporation,

12 Plaintiff,

13 vs.

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

16 Defendants.
 17

Case No. 1:10 CV 548 LJO SMS

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

Date: July 22, 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, the hearing was further continued by stipulation and order to July 22,
 23 2010.

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

27 AND WHEREAS, the documentation of the settlement of this lawsuit has taken longer
 28 than initially expected since it is complex and involves multiple parties and agreements.

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

4 AND WHEREAS, two prior continuances of the hearing date or briefing schedule have
5 been sought or obtained.

6 NOW THEREFORE, it is stipulated and agreed that defendant ACIC's motion to dismiss
7 shall be heard on August 12, 2010 at 8:30 a.m., in Courtroom 4 of the above-entitled court;
8 plaintiff First Bank's opposition brief shall be filed and served on or before July 29, 2010; and,
9 defendant ACIC's reply brief shall be filed on or before August 5, 2010.

10
11 DATED: July 2, 2010

BUCHALTER NEMER
A Professional Corporation

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13 By: /s/ Jeffrey B. Kirschenbaum
Jeffrey B. Kirschenbaum
14 Attorneys for Plaintiff, FIRST BANK

15 DATED: July 2, 2010

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

17
18 By: /s/ Raul L. Martinez
Raul L. Martinez
19 Attorney for AMERICAN CONTRACTORS
20 INDEMNITY COMPANY

21
22 **ORDER**

23 Good cause appearing therefore:

24 1. The hearing of defendant ACIC's motion to dismiss is continued to August 12,
25 2010, at 8:30 a.m., in Courtroom 4 of the above-entitled court.

26 2. Plaintiff First Bank's opposition brief shall be filed and served on or before July
27 29, 2010.

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3. Defendant ACIC's reply brief shall be filed and served on or before August 5, 2010.

IT IS SO ORDERED.

Dated: July 2, 2010

/s/ Lawrence J. O'Neill
United States District Judge