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8 Attorneys for Defendant
9 **NORTH AMERICAN CAPACITY INSURANCE**
10 **COMPANY**

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13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF CALIFORNIA**

15 EVANSTON INSURANCE
16 COMPANY, an Illinois corporation,

17 Plaintiff,

18 v.

19 NORTH AMERICAN CAPACITY
20 INSURANCE COMPANY, a New
21 Hampshire corporation,

22 Defendant.

23 Case No.: 1:13-CV-01365-AWI-SAB

24 **STIPULATION AND ORDER RE:**
25 **CONTINUANCE OF DATES**

26 Complaint Filed: 08/26/13

27 Trial Date: 03/03/15

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29 On October 16, 2014, plaintiff EVANSTON INSURANCE COMPANY
30 ("EVANSTON") and defendant NORTH AMERICAN CAPACITY
31 INSURANCE COMPANY ("NAC") filed their respective cross-Motions for
32 Summary Judgment with the court. Those Motions have been taken under
33 submission by the court for final ruling. As the parties believe that the ruling on
34 the cross-Motions for Summary Judgment is likely to be dispositive of the Trial
35 of the action, plaintiff EVANSTON and defendant NAC hereby stipulate, agree,
36 and request that the current Pre-Trial Conference date of January 21, 2015 be
37 continued to a date no sooner than 30 days after the court's ruling on the
38 dispositive cross-Motions for Summary Judgment, and that the Trial date of

1 March 3, 2015 be vacated and that a new Trial date be set accordingly.

2 IT IS SO STIPULATED.

3

4 Dated: December 30, 2014

MECKLER BULGER TILSON
MARICK PEARSON LLP

5

6 Dated: December 30, 2014

7 By: Michael W. Melendez
MICHAEL W. MELENDEZ
8 Attorneys for Plaintiff
9 EVANSTON INSURANCE COMPANY

10 Dated: December 30, 2014

GRIMM, VRANJES & GREER LLP

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12 By: Gregory D. Stephan
13 GREGORY D. STEPHAN
14 Attorneys for Defendant
15 NORTH AMERICAN CAPACITY
16 INSURANCE COMPANY

ORDER

17 The Pre-Trial Conference date of January 21, 2015, the Trial date of
18 March 3, 2015, and all dates and orders relating to trial are VACATED. Once
19 the motions for summary judgment have been ruled upon, the parties will contact
20 the Magistrate Judge's Courtroom Deputy for a new Scheduling Conference
21 hearing date.

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25 IT IS SO ORDERED.

26 Dated: December 30, 2014


27 SENIOR DISTRICT JUDGE