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Attorneys for Defendant Quanta Indemnity Company as successor by merger to Quanta Specialty Lines Insurance Company

UNITED STATES DISTRICT COURT EASTERN DISTRICT

FRESNO DIVISION

LEO WILSON CO., INC., a California corporation and. WILSON HOMES, INC., a California corporation,

Plaintiffs,

vs.

QUANTA SPECIALTY LINES INSURANCE COMPANY and DOES 1 through 50, inclusive,

Defendants.

CASE NO. 14-CV-01610-DAD-BAM  
The Hon. Magistrate Judge Barbara A. McAuliffe

**STIPULATION TO SET SETTLEMENT CONFERENCE AND ORDER THEREON**

Date: June 20, 2016  
Time: 9:30 a.m.  
Courtroom: 8, 6<sup>th</sup> Floor

Complaint Filed: October 14, 2014

WHEREAS, the current discovery deadline for this matter was May 16, 2016;

WHEREAS, the current expert witness disclosure deadline for this matter was July 15, 2016;

1 WHEREAS, the current dispositive motion deadline for this matter is November 15,  
2 2016;

3 WHEREAS, the current trial date for this matter is May 16, 2017;

4 WHEREAS, the parties have set numerous depositions which will be costly in part due  
5 to travel time and expense, and also required time off work for the party representatives;

6 WHEREAS, the parties desire a short hiatus from taking depositions to determine if the  
7 matter can be resolved informally;

8 WHEREAS, the parties agreed to submit their respective claims to mediation or an  
9 early settlement conference and submitted on March 21, 2016, a stipulation and proposed  
10 Order seeking to continue the discovery and expert disclosure deadlines to September 1, 2016  
11 and November 15, 2016 respectively in order to allow them sufficient time to fully mediate the  
12 above captioned action (“Request” Dkt#22);

13 WHEREAS, on March 22, 2016, the Court issued a minute order partially granting the  
14 Request, continuing the discovery deadline to August 1, 2016 and the expert disclosure deadline to  
15 September 9, 2016 (Dkt#23);

16 WHEREAS, on April 27, 2016, the Court issued a minute order stating that a settlement  
17 conference would be set and directing the parties to meet and confer and to select an available date  
18 (Dkt#24);

19 WHEREAS, the parties, counsel and the Court are all available to attend a settlement  
20 conference on June 20.

21 IT IS SO STIPULATED:

22 DATED: May 25, 2016

WANGER JONES HELSLEY PC

By:                   /s/ Jay A. Christofferson                  

Jay A. Christofferson  
Attorneys for LEO WILSON CO., INC. and  
WILSON HOMES, INC.

1 DATED: May 25, 2016

LEWIS BRISBOIS BISGAARD & SMITH LLP

By:                   /s/ Kathleen E. Hegen                  

2 Kathleen E. Hegen

3 Attorneys for LEO WILSON CO., INC. and  
4 WILSON HOMES, INC.

5  
6 **ORDER**

7 Pursuant to the above stipulation and good cause showing, the Court sets a settlement  
8 conference for June 20, 2016 at 9:30 a.m. in Courtroom 8. Unless otherwise permitted in advance  
9 by the Court, the attorneys who will try the case shall personally appear at the settlement  
10 conference with the parties and the person or persons having full authority to negotiate and settle  
11 the case, on any terms, at the conference. A Confidential Settlement Conference Statement is  
12 **MANDATORY** from each party, and must be submitted to Judge McAuliffe's chambers, **at least**  
13 **seven (7) calendar days prior to the Settlement Conference.** Confidential Settlement  
14 Conference Statements are due e-mailed to [bamorders@caed.uscourts.gov](mailto:bamorders@caed.uscourts.gov). This statement should  
15 neither be filed with the clerk of the Court nor served on any other party.

16 The settlement statement should not be lengthy but shall include a brief recitation of the  
17 facts, a discussion of the strengths and weaknesses of the case, an estimate of the cost and time to  
18 be expended for further pretrial and trial matters, and the relief sought. The parties are also  
19 directed to include a candid statement on the party's position on settlement, **including the amount**  
20 **which the party will accept to settle, realistic settlement expectations**, present settlement  
21 proposals, and a history of past settlement discussions, offers, demands, and a report on settlement  
22 efforts to date.

23 This Court will vacate the settlement conference if the Court finds the settlement  
24 conference will be neither productive nor meaningful to attempt to resolve all or part of this case.  
25 As far in advance of the settlement conference as possible, a party shall inform the Court and other  
26 parties that it believes the case is not in a settlement posture so the Court may vacate or reset the  
27 settlement conference. Otherwise the parties shall proceed with the settlement conference in good

1 faith to attempt to resolve all or part of the case.

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3 IT IS SO ORDERED.

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Dated: May 31, 2016

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

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