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 8 Defendant Rebecca Desautels

9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION  
 11

12 PENN-STAR INSURANCE COMPANY,

13 Plaintiff,

14 v.

15 THE TRINITY LOGISTICS GROUP, INC., et  
 al.,

16 Defendant.  
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Case No. 1:15-CV-00931-DAD-EPG

**STIPULATION AND ORDER TO  
 VACATE SCHEDULED DATES**

The Hon. Dale A. Drozd

18 EFREN SANTOS,

19 Counter-Claimant/Cross-  
 Claimant,  
 20

21 v.

22 PENN-STAR INSURANCE COMPANY;  
 REBECCA DESAUTELS; HUB  
 23 INTERNATIONAL TRANSPORTATION  
 INSURANCE SERVICES, INC.,

24 Counter-Defendant and Cross-  
 Defendants  
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**STIPULATION OF THE PARTIES**

IT IS HEREBY STIPULATED AND AGREED by and between the Parties, through their respective counsel of record, as follows:

1. The parties, through their attorneys of records, namely: H. Ty Kharazi (for the Santos Defendants and Counter-Claimant/Cross-Claimant Efren Santos) and Gordon M. Park and Graham Van Leuven (for Cross-Defendant Hub International Transportation Insurance Services Inc. and Cross-Defendant Rebecca Desautels), hereby enter into this Stipulation with respect to the parties’ joint request to extend the deadlines for completion of discovery and for expert disclosure.

2. This litigation arises from a dispute over coverage provided by a Penn-Star Insurance Company (“Penn-Star”) insurance policy which was purchased by Former Defendant The Trinity Logistics Group, Inc. and a Cross Complaint For Damages filed by Efren Santos, as assignee of Trinity Logistics Group, Inc.

3. Penn-Star’s original complaint was filed on June 19, 2015.

4. Thereafter a Pretrial Scheduling Order was issued by the Court on January 28, 2016. In that order, the Court ordered specific deadlines including:

October 17, 2016 for completion of all discovery, with the exception of expert discovery.

December 16, 2016 for disclosure of expert witnesses

April 13, 2017 for the last day to hear dispositive motions.

August 10, 2017 for a Joint Final Pretrial Conference Statement.

August 17, 2017 for parties to file trial briefs.

August 31, 2017 at 2:00 p.m. for the Final Pretrial Conference.

October 16, 2017 at 9:00 a.m. for a jury trial with an estimate trial length of three (3) days.

5. After Pretrial Scheduling Order was issued, Santos, as assignee of Trinity Logistics Group, Inc. filed a Cross Complaint For Damages on January 28, 2016. This Cross Complaint For Damages introduced two new parties to this action: Cross-Defendant Hub International Transportation Insurance Services Inc. (“Hub International”) and Cross-Defendant Rebecca Desautels (“Desautels”).

1 These parties were not present for and had not participated in the prior scheduling conference.

2 6. On February 29, 2016, this action was reassigned from District Judge Morrison C.  
3 England to District Judge Dale A. Drozd for all further proceedings.

4 7. On March 11, 2016, Penn-Star filed a Motion to Dismiss Cross-Complaint and for  
5 Judgment on the Pleadings, which was granted in part and denied in part on May 9, 2016.

6 8. On March 21, 2016, Hub International and Desautels filed an answer to the Cross  
7 Complaint.

8 9. On May 10, 2016, counsel for all parties then involved met and conferred to discuss the  
9 anticipated discovery necessary to prepare the issues involved in Santos' claims for trial. It was  
10 determined that many of the necessary witnesses reside out of state, and while these witnesses will  
11 cooperate with scheduling and depositions, there are a significant number of documents that may  
12 necessarily be obtained from non-parties. It was further determined that given the number of schedules  
13 which needed to be coordinated it was unlikely that all necessary discovery would be completed  
14 pursuant to the currently scheduled deadline.

15 10. Counsel for all parties then active determined that the scheduled dates should be reset.  
16 However, as the pleadings were not then settled, Counsel determined that it was not proper to request  
17 that dates be reset until the pleadings were settled.

18 11. On May 17, 2016, Santos filed a First Amended Cross Complaint for Damages and  
19 Declaratory Relief.

20 12. On July 8, 2016, Penn-Star filed a Motion to Dismiss the First Amended Cross-  
21 Complaint.

22 13. Prior to the hearing on Penn-Star's Motion to Dismiss, Santos and Penn-Star reached a  
23 settlement resulting in a voluntary dismissal of Penn-Star's declaratory relief complaint without  
24 prejudice and a dismissal of Santos' Cross-Complaint as to Penn-Star with prejudice. However,  
25 Santos' claims against Hub International and Desautels remain.

26 14. As the pleadings have now settled, the parties now request that the Court reset the  
27 scheduled dates and hold a new scheduling conference regarding Santos' First Amended Cross-  
28 Complaint.



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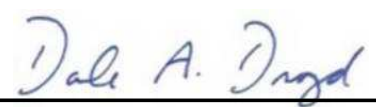
**ORDER**

The Court, having considered the parties' stipulation to vacate scheduled dates, and for GOOD CAUSE shown,

1. All currently scheduled dates and deadlines are vacated.
2. Counsel are directed to contact Magistrate Judge Erica P. Grosjean's courtroom deputy to arrange a date for a new scheduling conference in this matter.

IT IS SO ORDERED.

Dated: October 4, 2016

  
UNITED STATES DISTRICT JUDGE