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10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA  
12 FRESNO DIVISION

13 MESA UNDERWRITERS SPECIALTY ) Case No.: 1:17CV00652 DAD SAB  
14 INSURANCE COMPANY, )

15 Plaintiff, )

16 vs. )

17 DANIEL HOLMAN; SPICA HOLDINGS, )  
18 LLC, a Delaware limited liability company; )  
19 FRAZIER LAND AND PROPERTY, LLC, a )  
20 California limited liability company; SCOTT )  
21 F. FRAZIER. )

22 Defendants )

23 **REQUEST TO CONTINUE JULY 25, 2017**  
24 **MANDATORY SCHEDULING**  
25 **CONFERENCE AND FILING DEADLINE**  
26 **FOR JOINT SCHEDULING REPORT;**  
27 **ORDER THEREON**

28 Plaintiff Mesa Underwriters Specialty Insurance Company ('MUSIC') requests that the Court continue the mandatory scheduling conference from July 25, 2017 at 9:30 A.M. to August 21, 2017, at 1:30 P.M. (or to a date the Court deems appropriate), and continue the associated filing deadline of the Joint Scheduling Report ("JSR") from July 18, 2017 to August 14, 2017 (or to a date the Court deems appropriate). For the reasons set forth below, there is good cause to continue the scheduling conference and the deadline to file the JSR.

**Introduction**

MUSIC filed the instant lawsuit on May 9, 2017 against Defendants Daniel Holman, Spica Holdings LLC, Frazier Land & Property LLC, and Scott F. Frazier. The complaint contains causes of action for declaratory relief, rescission, and reimbursement. The current

1 matter arises out of a state lawsuit brought against Merle A. Holman, son of Defendant Daniel  
2 Holman, by Defendants Spica Holdings LLC, Frazier Land & Property LLC, and Scott F. Frazier  
3 (*Spica Holdings LLC, et al. v. Merle A. Holman, et al.*, Calaveras County Superior Court Case  
4 No. 14CV39976 (referred to herein as “the Underlying Matter”)).

5 On May 18, 2017, MUSIC sent each Defendant a Notice of Lawsuit and Request to  
6 Waive Service of Summons, along with copies of the Summons and Complaint. Counsel for  
7 Defendant Daniel Holman returned a Waiver of the Service of Summons, but has not yet  
8 appeared in this matter. Counsel for Defendants Spica Holdings LLC, Frazier Land & Property  
9 LLC, and Scott F. Frazier have not returned the Waiver of the Service of Summons, nor have  
10 they appeared in this matter.

11 On July 12, 2017, the parties to the current action, as well as the parties to the Underlying  
12 Matter, agreed to take part in a global mediation on July 21, 2017 in Sacramento, CA.

### 13 **Good Cause**

14 Good cause exists to continue the Mandatory Scheduling Conference under Federal  
15 Rules of Civil Procedure 16(b)(4). Not all of the Defendants in the current matter have made an  
16 appearance, nor have any responsive pleadings been filed by any of the Defendants. A  
17 continuance of the Mandatory Scheduling Conference would give the Defendants additional time  
18 to meet and confer with MUSIC and prepare their responsive pleadings.

19 Furthermore, the parties to this matter and the Underlying Action all have a global  
20 mediation scheduled for July 21, 2017, just four days before the currently scheduled Mandatory  
21 Settlement Conference. Continuing the date of the Mandatory Scheduling Conference will afford  
22 the parties more time to seek resolution of both the present matter and the Underlying Matter. In  
23 the event the matter is not resolved through the scheduled mediation, a continuance will allow  
24 the parties to more accurately apprise the Court of the case’s status in its JSC, than it would be if  
25 the parties submitted their JSC before the mediation.

26 Accordingly, for the reasons stated herein, MUSIC hereby respectfully requests that this  
27 Court continue the Mandatory Scheduling Conference to August 21, 2017, and the deadline to  
28 file the parties’ JSR to one week before the date of the Mandatory Scheduling Conference.

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