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5 Attorneys for Plaintiff,
 GEMINI INSURANCE COMPANY

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 8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 GEMINI INSURANCE COMPANY, a
 corporation,

12 Plaintiff,

13 vs.

14 WESTERN MARINE INSURANCE
 15 SERVICES CORPORATION, a
 California Corporation,

16 Defendant.

Case No. 2:10-CV-03172-KJM-JFM

**STIPULATION AND ORDER TO
 CONTINUE STATUS
 CONFERENCE AND RELATED
 EVENTS**

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 19 **STIPULATION**

20 WHEREAS plaintiff Gemini Insurance Company (“Gemini”) has filed this
 21 action for breach of contract and negligence against defendant Western Marine
 22 Insurance Services Corporation (“Westmar”) on November 23, 2010;

23 WHEREAS on November 24, 2010, the court issued an “Order Setting
 24 Status (Pretrial Scheduling) Conference” setting April 11, 2011 as the date for a
 25 status (pretrial scheduling) conference;

26 WHEREAS on January 21, 2011, this action was reassigned from Judge
 27 Garland E. Burrell, Jr., to Judge Kimberly J. Mueller;

1 WHEREAS on February 14, 2011, the court reset the date of the status
2 (pretrial scheduling) conference to April 27, 2011, with a joint status report to be
3 filed no later than April 13, 2011;

4 WHEREAS on February 17, 2011, Westmar filed an answer to the
5 complaint;

6 WHEREAS on February 17, 2011, Westmar filed a third-party complaint for
7 indemnity and breach of contract against Alliant Insurance Services, Inc.
8 (“Alliant”), David Cranmer (“Cranmer”) and Research Specialists, Inc.
9 (“Research”);

10 WHEREAS on February 18, 2011, the court issued a summons as to Alliant,
11 Cranmer and Research;

12 WHEREAS on February 17, 2011 Alliant was served by mail with a request
13 that it waive service of a summons pursuant to FRCP 4(d), thereby making its
14 response due April 18, 2011;

15 WHEREAS on February 17, 2011 Cranmer was served by mail with a
16 request that it waive service of a summons pursuant to FRCP 4(d), thereby making
17 his response due April 18, 2011;

18 WHEREAS on February 17, 2011 Research was served by mail with a
19 request that it waive service of a summons pursuant to FRCP 4(d), thereby making
20 its response due April 18, 2011;

21 WHEREAS by the time Gemini and Westmar reach the April 6, 2011
22 deadline for conducting their Federal Rule of Civil Procedure 26 conference, the
23 deadline for Alliant, Cranmer and Research to respond to the third-party complaint
24 will be 12 days thereafter, assuming that Alliant, Cranmer and Research do not
25 respond sooner;

26 WHEREAS if the status (pretrial scheduling) conference remains scheduled
27 for April 27, 2011, it is highly unlikely that Alliant, Cranmer and Research will
28 participate in the FRCP 26 conference currently scheduled to be conducted by

1 April 6, 2011 and in the joint status report to be filed by April 13, 2011;

2 WHEREAS if the status (pretrial scheduling) conference was to be
3 rescheduled for at least 30 days after April 27, 2011, to May 27, 2011, at the
4 earliest, then the participation by Alliant, Cranmer and Research in the FRCP 26
5 conference and the joint status report is virtually assured, thereby making the
6 process more efficient for the parties and the court.

7 THEREFORE, Gemini and Westmar hereby stipulate and agree to the
8 following:

9 The status (pretrial scheduling) conference should be rescheduled for at least
10 30 days after April 27, 2011, to May 25, 2011, at the earliest, and the dates for the
11 parties' Federal Rule of Civil Procedure 26 conference and filing of the joint status
12 report, rescheduled accordingly.

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14 March 28, 2011

CHARLSTON REVICH & WOLLITZ, LLP

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By: /s/ Howard Wollitz

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Howard Wollitz

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Allan J. Favish

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Attorneys for Plaintiff Gemini Insurance Company

20 March 25, 2011

MURPHY PEARSON BRADLEY & FEENEY

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By: /s/ Steven A. Kronenberg

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(as authorized on March 25, 2011)

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Steven A. Kronenberg

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Attorneys for Defendant Western Marine

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Insurance Services Corporation

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ORDER

1 Pursuant to stipulation of the parties, and good cause appearing therefore,
2 IT IS ORDERED that the status (pretrial scheduling) conference is
3 rescheduled from April 27, 2011, to May 25, 2011. The parties shall conduct their
4 Federal Rule of Civil Procedure 26 conference no later than May 6, 2011. The
5 parties shall file a joint status report no later than May 13, 2011.
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7 March 31, 2011.

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9 UNITED STATES DISTRICT JUDGE
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