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5 Attorneys for Plaintiff, and Fourth-Party Defendant
 GEMINI INSURANCE COMPANY

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

<p>11 GEMINI INSURANCE COMPANY, a corporation,</p> <p>12 13 Plaintiff,</p> <p>14 vs.</p> <p>15 WESTERN MARINE INSURANCE SERVICES CORPORATION, a California Corporation,</p> <p>16 Defendant.</p>	<p>Case No. 2:10-CV-03172-KJM-CKD (TEMP)</p> <p>STIPULATION PURSUANT TO LOCAL RULE 270(b) FOR SETTLEMENT CONFERENCE WITH ASSIGNED JUDGE, WAIVER OF DISQUALIFICATION, AND VACATION OF DATES FOR SUBMISSION OF JOINT PRETRIAL CONFERENCE STATEMENT, AND FINAL PRETRIAL CONFERENCE; ORDER</p>
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<p>17</p> <p>18 AND RELATED CROSS-ACTIONS.</p>	<p>CTRM: 3 JUDGE: Kimberly J. Mueller</p>
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 20 **STIPULATION**

21 WHEREAS the Court issued its order regarding Gemini Insurance
 22 Company's Motion for Summary Judgment on June 22, 2016 (ECF No. 142), as a
 23 result of which all parties consider a settlement conference to be appropriate at this
 24 time,

25 WHEREAS July 15, 2016, is the deadline for the parties to submit their Joint
 26 Pretrial Conference Statement,

1 WHEREAS the Final Pretrial Conference is scheduled for July 29, 2016,
2 WHEREAS Local Rule 270(a) states that “a settlement conference shall be
3 held in all actions,”

4 WHEREAS Local Rule 270(b) states that the assigned Judge shall not
5 conduct the settlement conference unless affirmatively requested to do so by all
6 parties with a written waiver of any claim of disqualification,

7 THEREFORE, Gemini Insurance Company, Western Marine Insurance
8 Services Corporation, Scottsdale Indemnity Company, Marine Claims Services,
9 Inc., Alliant Insurance Services, Inc., and David Cranmer stipulate and agree that:

10 1) A settlement conference shall be held in this action pursuant to Local
11 Rule 270(a),

12 2) All parties affirmatively request that the assigned Judge, Hon. Kimberly
13 J. Mueller, may conduct the settlement conference,

14 3) All parties waive any claim of disqualification based upon the
15 participation of Judge Mueller in the settlement conference,

16 4) On a date and time to be determined by the court, all counsel will
17 participate in a conference call with the court for the purpose of selecting a date
18 and time for the settlement conference, and

19 4) The present dates of July 15, 2016, for submission of the Joint Pretrial
20 Conference Statement, and July 29, 2016, for the Final Pretrial Conference, are
21 vacated, to be rescheduled by the court if the case is not resolved at the settlement
22 conference.

23 CHARLSTON, REVICH & WOLLITZ LLP

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25 By: /s/ Howard N. Wollitz
26 Plaintiff, Fourth-Party Defendant
27 and Cross-Complainant GEMINI
28 INSURANCE COMPANY

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HAIGHT BROWN & BONESTEEL, LLP

By: /s/ Valerie A. Moore (as authorized on July 7, 2016)
Attorneys for Intervenor/Fourth-Party Plaintiff SCOTTSDALE INDEMNITY COMPANY

KRONENBERG LAW, APC

By: /s/ Stephen Harold Fleischer-Ihn (as authorized on July 7, 2016)
Attorneys for Defendant/Third-Party Plaintiff WESTERN MARINE INSURANCE SERVICES CORPORATION NORTH COUNTY LAW FIRM

By: /s/ Anton Carl Gerschler (as authorized on July 7, 2016)
Attorneys for Third-Party Defendants ALLIANT INSURANCE SERVICES, INC. and DAVID CRANMER; and Fourth-Party Defendant ALLIANT INSURANCE SERVICES, INC.

MANNING & KASS, ELLROD, RAMIREZ, TRESTER LLP

By: /s/ David Gorney (as authorized on July 7, 2016)
Attorneys for Fourth-Party Defendant MARINE CLAIMS SERVICES, INC.

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1 **ORDER**

2 IT IS HEREBY ORDERED that:

3 1) All parties shall participate in the settlement conference as provided
4 by Local Rule 270(a).

5 2) The parties waive conflict to Judge Mueller acting as settlement
6 judge, however, due to Judge Mueller's trial schedule she is unavailable to
7 participate and Magistrate Judge Edmund F. Brennan has been drawn to act as
8 settlement judge in this matter.

9 3) A settlement conference is scheduled before Judge Brennan for
10 **September 22, 2016 at 10:00 a.m. in Courtroom No. 8, 13th Floor.**

11 The parties are directed to submit confidential settlement conference
12 statements via e-mail (efborders@caed.uscourts.gov) to Judge Brennan's chambers
13 seven (7) days prior to the settlement conference. Such statements are neither to be
14 filed with the clerk nor served on opposing counsel. However, each party shall e-
15 file a one page document entitled Notice of Submission of Confidential Settlement
16 Conference Statement. The parties may agree, or not, to serve each other with the
17 settlement statements. Each party is reminded of the requirement that it be
18 represented in person at the settlement conference by a person able to dispose of
19 the case or fully authorized to settle the matter at the settlement conference on any
20 terms. *See* Local Rule 270.

21 4) The Final Pretrial Conference set for July 29, 2016 is vacated and
22 reset for **November 4, 2016 at 10:00 in Courtroom No. 3, 15th Floor**, with the
23 parties' Joint Pretrial Conference Statements due on or before **October 14, 2016.**

24 DATED: July 13, 2016.

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27 UNITED STATES DISTRICT JUDGE
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