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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

AMERICAN STATES INSURANCE
COMPANY, an Indiana Corporation,

Plaintiff,

v.

INSURANCE COMPANY OF THE
STATE OF PENNSYLVANIA, a
Pennsylvania Corporation,

Defendants.

No. 2:12-CV-01489-MCE-JFM

**STIPULATION CONTINUING
HEARING ON MOTION TO
DISMISS THIRD AMENDED
COMPLAINT; AND ORDER**

Date: July 25, 2013
Time: 2:00 p.m.
Judge: Hon. Morrison C.
England, Jr.

Courtroom: 7

1 This Stipulation is made by and between plaintiff American States
2 Insurance Company (“American”) and defendant Insurance Company of the State
3 of Pennsylvania (“ICSOP”) through their counsel of record pursuant to Local Rule
4 230(f) with respect to the following facts:

5 1. ICSOP has filed a motion to dismiss each claim for relief in
6 American’s Third Amended Complaint.

7 2. The hearing on ICSOP’s motion to dismiss is currently set for
8 July 25, 2013.

9 3. ICSOP’s reply to American’s opposition to the motion to
10 dismiss is currently due on July 18, 2013.

11 4. ICSOP’s counsel has advised American’s counsel that because
12 of the vacation and travel schedules of the persons at ICSOP who must review and
13 approve the reply before it is filed, those persons will be unavailable to review the
14 reply before its current July 18, 2013 due date.

15 5. The next available hearing date on the Court’s calendar is
16 August 8, 2013.

17 6. No prior requests to continue the hearing on the motion to
18 dismiss have been sought.

19 THEREFORE, American and ICSOP hereby stipulate as follows,
20 subject to the approval of the Court:

21 1. The hearing on ICSOP’s motion to dismiss each claim for relief
22 in American’s Third Amended Complaint may be continued to August 8, 2013 at 2
23 p.m.

24 ///

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27 ///

1 2. ICSOP's reply to American's opposition to the motion to
2 dismiss may be filed and served on or before August 1, 2013.

3
4 DATED: July 15, 2013

THE BIERNAT LAW GROUP

5
6 By: /s/ Lisa L. Pan

7 Lisa L. Pan
8 Attorneys for Plaintiff America
9 States Insurance Company

10 DATED: July 15, 2013

BINGHAM McCUTCHEN LLP

11
12 By: /s/ Frank Kaplan

13 Frank Kaplan
14 Attorneys for Defendant Insurance
15 Company of the State of
16 Pennsylvania

1 **ORDER**


2
3 Upon the stipulation of the parties, and good cause appearing, IT IS
4 HEREBY ORDERED as follows:

5 1. The hearing on ICSOP's motion to dismiss each claim for relief in
6 American's Third Amended Complaint currently scheduled for July 25, 2013, is
7 hereby vacated and **continued to August 8, 2013 at 2 p.m.** in Courtroom 7.

8 2 ICSOP's Reply to American's opposition to the motion to dismiss
9 may be filed and served on or before August 1, 2013.

10 IT IS SO ORDERED.

11 Dated: July 23, 2013

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14 _____
MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT