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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CAROLINA CASUALTY INSURANCE  
COMPANY,  
  
Plaintiff,  
  
v.  
  
OAHU AIR CONDITIONING SERVICE, INC.  
dba OAHU AIR CONDITIONING CO, et al.,  
  
Defendants.

Civil Action No. 2:13-CV-1378-WBS-AC  
Hon. William B. Shubb

**STIPULATION AND ORDER RE:  
DEADLINE TO RESPOND TO FIRST  
AMENDED COMPLAINT AND  
SETTING SCHEDULE ON MOTIONS  
TO DISMISS**

Sched. Conf. Date: Jan. 21, 2014  
Time: 2:00 p.m.  
Place: Courtroom 5

WHEREAS, Plaintiff Carolina Casualty Insurance Company (“Plaintiff”) filed a First Amended Complaint (“Complaint”) in this matter on November 1, 2013, and effected service on Defendant Pacific Commercial Services LLC (“PCS”) on November 13, 2013;

WHEREAS, PCS’ response to the Complaint is due on or before December 4, 2013;

WHEREAS, prior to this stipulation, PCS has not requested or received any extension of time for responding to the Complaint;

WHEREAS, PCS intends to file a motion pursuant to Rule 12 of the Federal Rules of Civil Procedure;

WHEREAS, the Court has set a Scheduling Conference to take place on January 21, 2013, at 2:00 p.m.;

1 WHEREAS, having PCS' motion heard coincident with the Scheduling  
2 Conference will save judicial and the parties' resources, by avoiding multiple hearings, and will  
3 not interfere with the Scheduling Conference; and

4 WHEREAS, Plaintiff and PCS have agreed to a briefing schedule on PCS' motion  
5 that satisfies the requirements of Local Rule 230, while also allowing additional time in advance  
6 of filing the motion for the parties to meet and confer on the substance of the motion;

7  
8 WHEREAS, Plaintiff effected service of the Complaint upon Defendant Oahu Air  
9 Conditioning ("OAC") on November 14, 2013;

10 WHEREAS OAC's responsive pleading, whether in the form of an Answer or  
11 Rule 12 Motion to Dismiss, is due on or before December 5, 2013;

12 IT IS HEREBY STIPULATED:

13  
14 1. The deadline for PCS and OAC to respond to the Complaint by answer or  
15 motion pursuant to Rule 12 of the Federal Rules of Civil Procedure shall be December 13, 2013.

16 2. If PCS files a Rule 12 motion, Plaintiff's opposition to the motion shall be  
17 filed on or before January 7, 2014. PCS' reply shall be filed on or before January 14, 2014.  
18 PCS' motion shall be heard on January 21, 2014, at 2:00 p.m. in Courtroom 5, the same date and  
19 time as the Scheduling Conference. Likewise, if OAC files a Rule 12 motion, it will follow the  
20 above-mentioned briefing schedule.

21 Date: November \_\_\_\_, 2013 CHOLAKIAN & ASSOCIATES

22  
23  
24 By: \_\_\_\_\_

25 David W. Tate  
26 Attorneys for Plaintiff  
27 CAROLINA CASUALTY INSURANCE CO.  
28 DONGELL LAWRENCE FINNEY LLP

Date: November \_\_\_\_, 2013

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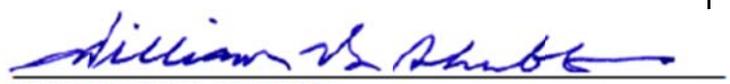
By: \_\_\_\_\_  
Christopher T. Johnson  
Attorneys for Defendant  
PACIFIC COMMERCIAL SERVICES LLC

Date: November \_\_\_\_, 2013                      BASSI EDLIN HUIE & BLUM LLP

By: \_\_\_\_\_  
Farheena A. Habib  
Attorneys for Defendant  
OAHU AIR CONDITIONING COMPANY

**IT IS SO ORDERED.**

Dated: December 2, 2013

  
\_\_\_\_\_  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

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PROOF OF SERVICE THROUGH ECF FILE & SERVE

I, Lissette M. Fernandez, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 707 Wilshire Boulevard, 45<sup>th</sup> Floor, Los Angeles, CA 90017-3609. On December 2, 2013, I served a copy of the foregoing document on the date set forth below, described as follows:

**STIPULATION AND [PROPOSED] ORDER RE: DEADLINE TO RESPOND TO FIRST AMENDED COMPLAINT AND SETTING SCHEDULE ON MOTIONS TO DISMISS**

By:  Filing and serving directly through ECF/Pacer at the USDC – Eastern District of California website at : <https://ecf.cand.uscourts.gov>.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on December 2, 2013, at Los Angeles, California.

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Lissette M. Fernandez

**SERVICE LIST (via Electronic Mail & U.S. Mail)**

**Carolina Casualty Insurance Company v. Oahu Air Conditioning Service, Inc.**  
*United States District Court—Eastern District of California*  
*Case No. 3:06-cv-07164-NC*

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David W. Tate  
Cholakian & Associates  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA 94080

Counsel for Plaintiff, Carolina Casualty  
Insurance Co.

Farheena A. Habib  
Bassi Edlin Huie & Blum  
500 Washington Street, Suite 700  
San Francisco, California 94111

Counsel for Defendant, Oahu Air  
Conditioning Co.