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 United States of America
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 9 IN THE UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11 MWE SERVICES, INC., AND
 CHRISTOPHER J. MARTIN,
 12
 Plaintiffs,

13 v.

14 CALIFORNIA DEPARTMENT OF
 FORESTRY AND FIRE PROTECTION;
 15 CALIFORNIA DEPARTMENT OF
 CORRECTIONS; CALIFORNIA
 16 HIGHWAYPATROL; CAMPTONVILLE
 FIRE DEPARTMENT; DOBBINS/OREGON
 17 HOUSE FIRE PROTECTION DISTRICT;
 GRASS VALLEY FIRE DEPARTMENT;
 18 LINDA FIRE PROTECTION DISTRICT;
 NORTH SAN JUAN FIRE PROTECTION
 19 DISTRICT; PACIFIC GAS AND ELECTRIC
 COMPANY; PENN VALLEY FIRE
 20 PROTECTION DISTRICT; U.S.
 DEPARTMENT OF AGRICULTURE
 21 FOREST SERVICE; U.S. GEOLOGICAL
 SURVEY; AND DOES 1-2,500.

22 Defendants.
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CASE NO. 2:14-CV-00010 JAM KJN

STIPULATION RE EXTENSION OF TIME TO
 RESPOND TO COMPLAINT; ORDER

[Local Rule 144]

24 **RECITALS**

25 1. On or about February 27, 2013, Plaintiffs filed their First Amended Complaint in
 26 Interpleader (“the Complaint”) with the Yuba County Superior Court in Case No. YCSCCVCV 12-
 27 0001124.

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1 2. On or about December 2, 2013, Plaintiffs completed service of the Complaint on the
2 United States.

3 3. On or about January 2, 2014, the United States timely filed a Notice of Removal of the
4 Complaint.

5 4. By stipulation filed January 8, 2014 [Doc # 4], and pursuant to Local Rule 144, the
6 parties agreed to an extension of time through February 6, 2014, for any responsive pleading to be filed
7 by any defendant served with the summons who had not answered the Complaint in state court.
8 Additionally, by stipulation filed January 29, 2014 [Doc # 7], and by Order filed January 30, 2014 [Doc
9 # 8], the parties requested and received authority for an additional extension of time to file responsive
10 pleadings through and including March 24, 2014.

11 5. This stipulation represents the United States' third request for an extension of time to file
12 responsive pleadings to the removed First Amended Complaint. The United States recognizes that
13 multiple requests for extensions are not generally viewed favorably by the Court, but it is the United
14 States' contention that unusual circumstances exist to warrant a further extension. Those circumstances,
15 demonstrating good cause, are as follows:

16 A. This case arises out of the Bullards Bar fire, a fire that ignited on August 27,
17 2010, in the Tahoe and Plumas National Forests. While MWE SERVICES, INC., ("MWE") and
18 CHRISTOPHER MARTIN ("Martin") (the plaintiffs in this interpleader action) deny liability, it is
19 nevertheless the United States' contention that the Bullards Fire ignited as a result of the negligence of
20 these parties. MWE and Martin have filed this interpleader action because they are the insureds under a
21 \$1 million policy of insurance through Berkley Regional Specialty Insurance Company ("Berkley
22 Insurance"), and they have sought to interplead the policy to resolve conflicting claims.

23 B. The conflicting claims against Berkley Insurance's policy consist of the United
24 States' claims as well as the claims of the California Department of Forestry and Fire Protection ("Cal
25 Fire"). Both the United States and Cal Fire incurred significant costs in suppressing the Bullards Bar
26 Fire. While other defendants were originally named in the interpleader action, the United States is
27 informed and believes that these defendants were dismissed before the interpleader action was removed.

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1 C. Over the last several weeks, the parties have been discussing, among other issues,
2 objections that the United States and Cal Fire have concerning subject matter jurisdiction. Specifically,
3 it is the United States' position (a contention disputed by plaintiffs) that MWE and Martin, as insureds
4 under the Berkley Insurance policy, are not "stakeholders" of the policy and do not have standing to
5 interplead the policy. Recently, counsel for Berkley Regional joined in the parties' discussions and,
6 while the parties and Berkley Regional require more time to meet and confer, there is a possibility that
7 the parties will agree to terms (including possible terms allowing Berkley Insurance to substitute in as
8 real party in interest) that will satisfy the United States' objections to standing.

9 D. The parties desire to avoid the time and expense associated with litigating a
10 12(b)(1) motion to dismiss addressing the standing issue and, should this request for an extension be
11 approved, intend to continue their discussions aimed at resolving the United States' standing objection
12 before a responsive pleading is due to be filed.

13 **STIPULATION**

14 The parties hereto, acting by and through their counsel, hereby stipulate that the deadline for the
15 United States to file responsive pleadings to the First Amended Complaint shall be extended by 30 days,
16 from March 24, 2014, through and including April 23, 2014.

17 Respectfully submitted,

18 DATED: March 20, 2014

BENJAMIN B. WAGNER
United States Attorney

19 By: /s/ Glen F. Dorgan
20 GLEN F. DORGAN
21 GREGORY BRODERICK

22 DATED: March 20, 2014

KRONENBERG LAW, P.C.

23 By: /s/ Steven W. Yuen
24 STEVEN W. YUEN
25 Attorneys for MWE Services

26 DATED: March 20, 2014

LEWIS, BRISBOIS, BISGAARD & SMITH

27 By: /s/ Talia L. Delanoy
28 TALIA L. DELANOY
Attorneys for Chris Martin

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ORDER

Based on the stipulation of the parties, and good cause appearing therefor,

IT IS HEREBY ORDERED that the deadline for the United States to file responsive pleadings to the First Amended Complaint shall be extended by 30 days, from March 24, 2014, through and including April 23, 2014.

Date: March 20, 2014

/s/ John A. Mendez
UNITED STATES DISTRICT COURT JUDGE