

1 Steven M. Shewry, Esq. (SBN 106333)
 2 steve@shewrysaldanalaw.com
 3 Christopher C. Saldaña, Esq. (SBN 269456)
 4 chris@shewrysaldanalaw.com
 5 **SHEWRY & SALDAÑA, LLP**
 6 402 West Broadway, Suite 950
 7 San Diego, California 92101-8504
 8 Telephone: (619) 233-8824
 9 Facsimile: (619) 233-1002

10 Attorneys for Defendant
 11 INTERWEST INSURANCE SERVICES, INC.

12 **UNITED STATES DISTRICT COURT**
 13 **EASTERN DISTRICT OF CALIFORNIA**

14 HEALTHSMART BENEFIT SOLUTIONS, INC., an Illinois corporation,)	CASE NO. 2:16-CV-00144-MCE-AC
15)	
16 Plaintiff,)	STIPULATION AND [PROPOSED]
17)	ORDER TO CONTINUE ALL
18 vs.)	CASE MANAGEMENT DATES
19)	AND FOR LEAVE TO FILE
20 INTERWEST INSURANCE SERVICES, INC., a Florida corporation, and DOES 1 through 10,)	THIRD PARTY COMPLAINT
21)	
22 Defendants.)	Judge: Morrison C. England, Jr.
23)	
24)	Complaint Filed: January 22, 2016
25)	

26 To facilitate a meaningful mediation of this action, which currently is
 27 scheduled to occur on February 13, 2017 before Hon. William Cahill (Ret), and in
 28 order to save the parties’ resources from needless expenditure in the interim, and
 further, for purposes of judicial economy, Plaintiff HealthSmart Benefit Solutions,
 Inc. (“HealthSmart”) and Defendant InterWest Insurance Services, Inc.
 (“InterWest”) believe that a 90 day continuance of the case management
 conference (“CMC”) dates set forth in the Court’s June 22, 2016 Initial Scheduling

1 Order [Dkt #11] is both appropriate and needed.

2 This is the parties' first and only request for a continuance of any dates in
3 this matter, and it is made in good faith, immediately following the parties'
4 assiduous taking of sufficient preliminary discovery so as to properly inform the
5 parties' views as towards settlement.

6 Accordingly, HealthSmart and InterWest, through their attorneys of record,
7 hereby jointly apply to the Court for a 90-day continuance of the CMC dates based
8 upon the following stipulation:

9 1. The parties have agreed to mediate the dispute on February 13, 2017,
10 before Hon. William Cahill, Ret., at JAMS in San Francisco (a date which has
11 already been reserved with Judge Cahill's assistant), or, should that date become
12 unavailable, at a mutually convenient date in February 2017, or are soon thereafter
13 as possible given the parties' and mediator's availability;

14 2. The parties consent to and agree that all remaining case management
15 dates ordered by the Court's June 22, 2016 Initial Scheduling Order [Dkt #11] may
16 be extended by 90 days, as requested in InterWest in its Motion to Modify the
17 Court's Initial Scheduling Order [Dkt #16] currently set for hearing on January 12,
18 2017;

19 3. The parties agree to stay all discovery until and through February 28,
20 2017; and

21 4. HealthSmart consents to and agrees not to oppose InterWest's motion
22 for leave to file a Third Party Complaint against Brown & Riding Insurance
23 Services, Inc., and Wells Fargo Insurance Services, Inc., that is set for hearing on
24 January 12, 2017.

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1 DATED: December 23, 2016 MANATT, PHELPS & PHILLIPS, LLP

2 By: /s/ Andrew H. Struve
3 Andrew H. Struve, Esq.
4 Attorneys for Plaintiff

5 DATED: December 23, 2016 SHEWRY & SALDAÑA, LLP

6 By: /s/ Steven M. Shewry
7 Steven M. Shewry, Esq.
8 Attorneys for Defendant

9 ORDER

10 Pursuant to the parties' stipulation, all case management dates set forth in
11 the Initial Pretrial Scheduling Order (ECF No. 11) are extended by 90 days, as
12 requested by InterWest in its Motion to Modify the Court's Initial Scheduling
13 Order (ECF No. 16), and all discovery is stayed through February 28, 2017.

14 In light of this stipulation and order, InterWest's Motion to Modify the
15 Court's Scheduling Order is DENIED as moot, and the January 12, 2017 hearing
16 on the matter is hereby vacated.

17 Further, upon review of InterWest's Motion for Leave to File a Third Party
18 Complaint and Memorandum of Points and Authorities in support thereof, and in
19 light of HealthSmart's consent and non-opposition thereto, InterWest's motion is
20 hereby GRANTED. Defendant is ordered to file its Third Party Complaint not
21 later than 14 days from the date of this order.

22 The January 12, 2017 hearing on the matter is also vacated.

23 IT IS SO ORDERED.

24 Dated: January 9, 2017

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26 MORRISON C. ENGLAND, JR.
27 UNITED STATES DISTRICT JUDGE