

1 SPENCER Y. KOOK (SBN 205304)
skook@hinshawlaw.com
2 HINSHAW & CULBERTSON LLP
633 West 5th Street
3 Forty-Seventh Floor
Los Angeles, CA 90071
4 Telephone: (213) 680-2800
Facsimile: (213) 614-7399

5 TRAVIS R. WALL (SBN 191662)
twall@hinshawlaw.com
6 HINSHAW & CULBERTSON LLP
One California Street, 18th Floor
7 San Francisco, CA 94111
8 Telephone: (415) 362-6000
Facsimile: (415) 834-9070

9 Attorneys for Defendants

10 APPLIED UNDERWRITERS INC., APPLIED UNDERWRITERS CAPTIVE RISK ASSURANCE
COMPANY, INC., CALIFORNIA INSURANCE COMPANY, INC., and APPLIED RISK
11 SERVICES, INC.

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
14 SACRAMENTO DIVISION

14 SHASTA LINEN SUPPLY, INC., a)
California corporation and all those similarly)
15 situated, and ALPHA POLISHING, INC.)
d/b/a GENERAL PLATING CO.,)
16 Plaintiffs,)

17 vs.)

18 APPLIED UNDERWRITERS INC.,)
APPLIED UNDERWRITERS CAPTIVE)
RISK ASSURANCE COMPANY, INC.,)
19 CALIFORNIA INSURANCE COMPANY,)
INC., and APPLIED RISK SERVICES, INC.,)
20 Defendants.)
21)
22)

Case No. 2:16-CV-00158-WBS-AC

**STIPULATION AND [PROPOSED] ORDER
CONSOLIDATING RELATED ACTIONS
FOR PRE-TRIAL PURPOSES AND
MODIFYING SCHEDULING ORDER**

Judge William B. Shubb

22 PET FOOD EXPRESS LTD., a California)
corporation and all those similarly situated)
23 and ALPHA POLISHING, INC. d/b/a)
GENERAL PLATING CO.,)
24 Plaintiffs,)

25 vs.)

26 APPLIED UNDERWRITERS INC.,)
APPLIED UNDERWRITERS CAPTIVE)
RISK ASSURANCE COMPANY, INC.,)
27 CALIFORNIA INSURANCE COMPANY,)
INC., and APPLIED RISK SERVICES, INC.)
28 Defendants.)
29)

Case No. 2:16-CV-01211-WBS-AC

**STIPULATION AND [PROPOSED] ORDER
CONSOLIDATING RELATED ACTIONS
FOR PRE-TRIAL PURPOSES AND
MODIFYING SCHEDULING ORDER**

Judge William B. Shubb

1 **STIPULATION AND [PROPOSED] ORDER CONSOLIDATING RELATED ACTIONS**
2 **FOR PRE-TRIAL PURPOSES AND MODIFYING CASE SCHEDULE**

3 Whereas, there are two related class action lawsuits filed in this district, *Shasta Linen Supply,*
4 *Inc. v. Applied Underwriters, Inc.*, Case No. 2:16-cv-00158-WBS-AC and *Pet Food Express Ltd. v.*
5 *Applied Underwriters, Inc.*, Case No. 2:16-cv-0211-WBS-AC; both actions are putative class actions
6 involving the same parties and similar claims;

7 Whereas, on June 21, 2017, the Plaintiffs in both actions filed amended complaints that are
8 essentially identical and that, among other changes, add a new civil RICO claim;

9 Whereas, the amended complaint in the *Pet Food* action also added a new plaintiff, Alpha
10 Polishing, Inc. d/b/a General Plating Co., and a new defendant, Applied Risk Services, Inc.; with the
11 addition of Applied Risk Services, Inc. to the *Pet Food* action, the defendants in both actions are the
12 same;

13 Whereas, consolidation of these related actions will promote judicial economy, avoid
14 duplicative law and motion and discovery proceedings, and streamline adjudication of these matters;

15 Whereas, the current scheduling orders in both cases set the following deadlines:

16 **Discovery**

17 Expert disclosures:	April 30, 2018
18 Rebuttal expert disclosures:	May 31, 2018
19 Completion of fact discovery:	March 30, 2018
20 Completion of all discovery:	June 29, 2018
21 Discovery motions filed:	June 29, 2018

22 **Motion Hearing Schedules**

23 Filing of motions for class certification:	August 21, 2017
24 Opposition to class certification motion:	October 6, 2017
25 Reply to opposition:	November 6, 2017
26 All other motions to be filed by:	July 31, 2018

27 **Trial Deadlines**

28 Final Pretrial Conference:	October 9, 2018
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1 Trial: December 11, 2018

2 Whereas, the parties in both actions previously requested, and the Court granted, extensions
3 of the deadline to file amended pleadings as a matter of right, but the parties have not requested
4 changes to any other deadline set by the Court.

5 IT IS HEREBY STIPULATED by the parties, through their counsel of record, that:

6 1. Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, the cases captioned
7 *Shasta Linen Supply, Inc. v. Applied Underwriters, Inc.*, Case No. 2:16-cv-00158-WBS-AC and *Pet*
8 *Food Express Ltd. v. Applied Underwriters, Inc.*, Case No. 2:16-cv-0211-WBS-AC are consolidated
9 for pre-trial purposes only but not for the purposes of trial. The parties reserve the right to request
10 consolidation for all purposes or that certain issues be tried jointly. The parties expressly reserve all
11 rights, claims and defenses that were otherwise available if these actions were not consolidated.

12 2. The following deadlines will apply with respect to pleadings and motions related to
13 Plaintiffs' amended complaints:

14 Defendants to answer, move or otherwise plead: August 10, 2017

15 Plaintiffs to file opposition/reply to counterclaim: September 14, 2017

16 Defendants to file reply to opposition: October 5, 2017

17 Any motions will be noticed for the next available hearing date.

18 3. Discovery will continue during the above pleading/motion schedule and the pendency
19 of any motion(s) to dismiss filed by Defendants.

20 4. Due to the amended complaints, which will trigger a new round of pleadings, the
21 scheduling deadlines shall be extended by six months. The new deadlines shall be:

22 **Discovery**

23 Expert disclosures: October 31, 2018

24 Rebuttal expert disclosures: November 28, 2018

25 Completion of fact discovery: September 28, 2018

26 Completion of all discovery: January 31, 2019

27 Discovery motions filed: January 31, 2019

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Motion Hearing Schedules

Filing of motions for class certification: February 22, 2018
Opposition to class certification motion: April 6, 2018
Reply to opposition: May 7, 2018
All other motions to be filed by: January 31, 2019

Trial Deadlines

Final Pretrial Conference: April 15, 2019 at 1:30 p.m.
Trial: June 11, 2019 at 9:00 a.m.

Except as modified, the prior scheduling order remains unchanged.

Dated: June 30, 2017 HINSHAW & CULBERTSON LLP

By: /s/ Travis R. Wall
SPENCER Y. KOOK
TRAVIS R. WALL
Attorneys for Defendants
APPLIED UNDERWRITERS INC., APPLIED
UNDERWRITERS CAPTIVE RISK
ASSURANCE COMPANY, INC.,
CALIFORNIA INSURANCE COMPANY,
INC. and APPLIED RISK SERVICES, INC.

Dated: June 30, 2017 SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP

By: /s/ Raoul D. Kennedy (as authorized on June 30, 2017)
RAOUL D. KENNEDY
Attorneys for Defendants
APPLIED UNDERWRITERS INC., APPLIED
UNDERWRITERS CAPTIVE RISK
ASSURANCE COMPANY, INC.,
CALIFORNIA INSURANCE COMPANY,
INC. and APPLIED RISK SERVICES, INC.

1 Dated: June __, 2017

FARMER SMITH & LANE, LLP

2
3 /s/ Craig E. Farmer (as authorized on June 30,
By: 2017)

4 CRAIG E. FARMER

5 JOHN L. HALL

6 Attorneys for Plaintiff

7 SHASTA LINEN SUPPLY, INC., on behalf of
itself and all others similarly situated, and

8 ALPHA POLISHING, INC. d/b/a GENERAL
PLATING CO

9 Dated: June 30, 2017

LAW OFFICES OF JOHN DOUGLAS
MOORE

10
11 /s/ John Douglas Moore (as authorized on
By: June 30, 2017)

12 JOHN DOUGLAS MOORE

13 Attorneys for Plaintiffs

14 PET FOOD EXPRESS LTD, a California
Corporation and all those similarly situated, and
ALPHA POLISHING, INC. d/b/a GENERAL

PLATING CO

15 Dated: June 30, 2017

BERGER & MONTAGUE, P.C.

17
18 /s/ Glen Abramson (as authorized on June 30,
By: 2017)

19 GLEN ABRAMSON *Pro Hac Vice*

20 Attorneys for Plaintiffs

21 PET FOOD EXPRESS LTD, a California
Corporation and all those similarly situated, and
ALPHA POLISHING, INC. d/b/a GENERAL

PLATING CO

22 Dated: June 30, 2017

O'CONNOR REDD LLP

23
24 By: /s/ Kevin Page (as authorized on June 30, 2017)

25 KEVIN PAGE *Pro Hac Vice*

26 Attorneys for Plaintiffs

27 PET FOOD EXPRESS LTD, a California
Corporation and all those similarly situated, and
ALPHA POLISHING, INC. d/b/a GENERAL

PLATING CO


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/s/ Travis Wall

TRAVIS WALL

ORDER

Dated: July 6, 2017


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE