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16 Attorneys for Defendant  
 17 *LAGORIO BROTHERS, INC.*

18 **IN THE UNITED STATES DISTRICT COURT**  
 19 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
 20 **SACRAMENTO DIVISION**

21 PEERLESS INSURANCE COMPANY, a New  
 22 Hampshire corporation, and AMERICAN FIRE  
 23 AND CASUALTY COMPANY, a New Hampshire  
 24 corporation,

25 Plaintiffs,

26 v.

27 LAGORIO BROTHERS, INC., a California  
 28 corporation,

Defendant.

Civil Case No.: 2:17-CV-00762-KJM-CKD

**JOINT STIPULATION TO: (1) CONTINUE HEARING DATE ON DEFENDANT LAGORIO BROTHERS, INC.'S MOTION TO DISMISS OR STAY; (2) CONTINUE SCHEDULING CONFERENCE; AND (3) EXTEND LAGORIO BROTHERS, INC.'S DEADLINE TO RESPOND TO DISCOVERY; ORDER**

CURRENT DATE: August 25, 2017  
 PROPOSED DATE: October 6, 2017  
 TIME: 10:00 a.m.  
 COURT: Courtroom 3, 15th Floor  
 JUDGE: Hon. Kimberly J. Mueller

*Complaint filed April 11, 2017*

1 Plaintiff Peerless Insurance Company (“Peerless”), Plaintiff American Fire and Casualty  
2 Company (“American Fire”), and Defendant Lagorio Brothers, Inc. (“LBI”), by and through their  
3 counsel of record, hereby agree and stipulate as follows:

4 WHEREAS, LBI filed a Motion to Dismiss, or in the Alternative, Stay this action (the “Motion”)  
5 on June 16, 2017 (Doc. 7), and,  
6

7 WHEREAS, Peerless and American Fire filed an Opposition to LBI’s Motion on June 30, 2017  
8 (Doc. 10) and LBI filed a Reply in support of its Motion on July 7, 2017 (Doc. 13), and

9 WHEREAS, the Court has scheduled a hearing on LBI’s Motion for 10:00 a.m. on August 25,  
10 2017 (Doc. 15), and

11 WHEREAS, the Court has also scheduled the Scheduling Conference in this action for 10:00  
12 a.m. on August 25, 2017 (Doc. 15), and

13 WHEREAS, on July 7, 2017, Peerless and American Fire served Interrogatories Propounded to  
14 Lagorio Brothers, Inc., Set No. One, Requests for Admission Propounded to Lagorio Brothers, Inc., Set  
15 No. One, and Requests for Production of Documents Propounded to Lagorio Brothers, Inc., Set No. One  
16 (collectively, the “Discovery Requests”), and

17 WHEREAS, good cause exists to continue the August 25, 2017 hearing date and the deadlines to  
18 respond to the Discovery Requests because the parties intend to engage in early private mediation  
19 which, if successful, would obviate the need for further proceedings in this case, and  
20

21 WHEREAS the parties have scheduled such mediation to take place in San Francisco, California  
22 on September 25, 2017 before Arnold Levinson, Esq., and

23 WHEREAS, the parties have conferred and determined that, if such efforts are unsuccessful and  
24 a hearing on LBI’s Motion and a Scheduling Conference should prove necessary, all parties are  
25 available to attend a hearing set for October 6, 2017,  
26  
27  
28

1 IT IS THEREFORE HEREBY STIPULATED that the hearing on LBI's Motion and the  
2 Scheduling Conference in this case shall be continued from August 25, 2017, to October 6, 2017, or  
3 such other time as the Court shall order, and

4 IT IS THEREFORE HEREBY FURTHER STIPULATED, that any responses and/or objections  
5 by LBI to Peerless' and American Fire's Discovery Requests shall be timely if served by LBI not later  
6 than October 16, 2017.  
7

8 Respectfully submitted,

9 Dated: August 4, 2017

**SHEPPARD, MULLIN, RICHTER & HAMPTON  
LLP**

11 By: /s/Jennifer Hoffman (as authorized August 4, 2017)

12 FRANK FALZETTA

13 JENNIFER HOFFMAN

14 *Attorneys for Plaintiffs PEERLESS INSURANCE  
COMPANY and AMERICAN FIRE AND CASUALTY  
COMPANY.*

15 Dated: August 4, 2017

**COVINGTON & BURLING LLP**

17 By: /s/Nicholas Lampros

18 MARTIN H. MYERS

19 GRETCHEN HOFF VARNER

NICHOLAS LAMPROS

20 *Attorneys for Defendant LAGORIO BROTHERS, INC.*

