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8 *Counsel for Plaintiffs Applied*
9 *Underwriters, Inc.*
and Applied Risk Services, Inc.

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 APPLIED UNDERWRITERS, INC., a
13 Nebraska corporation; and APPLIED
14 RISK SERVICES, INC., a Nebraska
Corporation,

15 Plaintiffs,

16 v.

17 INSURANCE COMMISSIONER OF THE
STATE OF CALIFORNIA RICARDO LARA,
18 in his official capacity;
CALIFORNIA DEPARTMENT OF INSURANCE
19 DEPUTY COMMISSIONER KENNETH
SCHNOLL, in his official capacity;
20 CALIFORNIA DEPARTMENT OF INSURANCE
DEPUTY COMMISSIONER BRYANT HENLEY,
21 in his official capacity; and DOES
1-20.

22
23 Defendants.

CASE NO. 2:20-cv-02096-WBS-
AC

**FIRST STIPULATION AND ORDER
TO CONTINUE HEARING DATE AND
SET SCHEDULE FOR PLAINTIFFS'
RESPONSE TO DEFENDANTS'
MOTION TO DISMISS**

1 Plaintiffs Applied Underwriters, Inc. and Applied Risk
2 Services, Inc. ("Plaintiffs"), by and through their counsel of
3 record, and Defendants Insurance Commissioner of the State of
4 California Ricardo Lara, California Department Of Insurance
5 Deputy Commissioner Kenneth Schnoll, and California Department Of
6 Insurance Deputy Commissioner Bryant Henley ("Defendants"), by
7 and through counsel of record, hereby stipulate and respectfully
8 apply to this Court for an Order continuing the hearing date and
9 setting the schedule in connection with Defendants' Motion to
10 Dismiss as set forth below.

11 WHEREAS, on November 13, 2020, Defendants' filed a 91-page
12 Motion to Dismiss Pursuant to FRCP 12(b)(1) and 12(b)(6),
13 accompanied by a Request for Judicial Notice attaching 279 pages
14 of exhibits;

15 WHEREAS, on November 16, 2020 counsel for Plaintiffs and
16 Defendants met and conferred and agreed to extend the time for
17 Plaintiffs to respond to December 14, 2020, and Defendants' time
18 to reply to January 4, 2020, and agreed to a hearing date of
19 January 11, 2021;

20 WHEREAS, this is the first extension the Parties are seeking
21 for this matter;

22 NOW, THEREFORE, IT IS HEREBY STIPULATED, between Plaintiffs
23 and Defendants, subject to the Court's approval, that:
24 Plaintiffs' deadline to oppose Defendants' Motion to Dismiss or
25 amend their complaint shall be December 14, 2020; if Plaintiffs
26 file an opposition to Defendants' Motion to Dismiss, Defendants'
27 Reply in Support of their Motion to Dismiss shall be due January
28

1 4, 2021; the Hearing on the Motion to Dismiss shall be January
2 11, 2021, at 1:30pm; and, if Plaintiffs file an amended complaint
3 on or before December 14, 2020, Defendants shall have 28 days to
4 respond or move with respect to the amended complaint.

5 **IT IS SO STIPULATED.**

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7 DATED: November 17, 2020

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Underwriters, Inc.
17 *and Applied Risk Services, Inc.*

18 DATED: November 17, 2020

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Attorneys for all Defendants

ORDER

For good cause shown, the above Stipulation is adopted as follows: Plaintiffs' deadline to oppose Defendants' Motion to Dismiss or amend their complaint shall be December 14, 2020; if Plaintiffs file an opposition to Defendants' Motion to Dismiss, Defendants' Reply in Support of their Motion to Dismiss shall be due January 4, 2021; the Hearing on the Motion to Dismiss shall be January 11, 2021, at 1:30pm; and, if Plaintiffs file an amended complaint on or before December 14, 2020, Defendants shall have 28 days to respond or move with respect to the amended complaint.

IT IS SO ORDERED.

Dated: November 18, 2020


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE