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 Aviva Insurance Company of Canada

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 14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN FRANCISCO DIVISION**
 17

18 THE FLINTKOTE COMPANY, a Delaware)
 corporation,)
 19)
 Plaintiff,)
 20)
 vs.)
 21)
 GENERAL ACCIDENT ASSURANCE)
 22 COMPANY OF CANADA, a Canada)
 insurance company; GENERAL ACCIDENT)
 23 FIRE AND LIFE ASSURANCE)
 CORPORATION LIMITED OF PERTH,)
 24 SCOTLAND, a Scotland insurance company;)
 and DOES ONE through TEN,)
 25)
 Defendants.)
 26)

Case No. C 04-01827 MHP
**JOINT STIPULATION RE: BRIEFING,
 HEARING AND TRIAL SCHEDULE**
[Proposed Order submitted separately]

27 _____)
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JOINT STIPULATION RE: SCHEDULING

Pursuant to the Court's request at the January 7, 2010 hearing, plaintiff The Flintkote Company ("Flintkote") and defendant Aviva Insurance Company of Canada ("Aviva"), by and through their counsel, submit this Joint Stipulation regarding their agreement on briefing, hearing and trial dates.

The parties have meet and conferred, and have agreed to the following dates, including a shortened briefing schedule, conditioned on the Court's agreement:

<u>Event</u>	<u>Scheduled Date</u>
Aviva files combined motion for reconsideration and appeal of Judge Cahill's Report and Recommendation	Friday, January 15, 2010
Flintkote files combined response	Wednesday, January 27, 2010
Aviva files reply re: motion for reconsideration	Tuesday, February 2, 2010
Hearing on motions/continued pretrial conference	Tuesday, February 9, 2010
Trial date	Tuesday, March 16, 2010 (or later as Court's schedule directs)

The parties discussed potential hearing and trial dates with Court personnel and has submitted them in hopes that they are acceptable and still available. Pursuant to the Court's comments at the January 7th hearing, the parties are also participating in mediation activities with the Honorable Judge Daniel Weinstein (Ret.) of JAMS.

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NOW, THEREFORE, the parties hereby stipulate and agree as follows:

1. The parties jointly request that the Court set the schedule as laid out above; and
2. The parties jointly request that the Court enter an Order in the form proposed.

IT IS SO STIPULATED.

Respectfully submitted,

Dated: January 12, 2010

IRELL & MANELLA LLP

By: /s/ Michael Fehner

Michael Fehner
Attorneys for Plaintiff
The Flintkote Company

Dated: January 12, 2010

ROBINSON & WOOD, INC.

By: /s/ Archie S. Robinson

Archie S. Robinson
Attorneys for Defendant
Aviva Insurance Company of Canada

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE FLINTKOTE COMPANY, a Delaware corporation,
Plaintiff,
vs.
GENERAL ACCIDENT ASSURANCE COMPANY OF CANADA, a Canada insurance company; GENERAL ACCIDENT FIRE AND LIFE ASSURANCE CORPORATION LIMITED OF PERTH, SCOTLAND, a Scotland insurance company; and DOES ONE through TEN,
Defendants.

Case No. C 04-01827 MHP
[PROPOSED] ORDER RE: BRIEFING, HEARING AND TRIAL SCHEDULE
Joint Stipulation Submitted Concurrently

1 **ORDER**

2 Pursuant to the parties' concurrently filed Joint Stipulation re: Briefing, Hearing, and Trial
3 Schedule, and good cause appearing therefor, the Court hereby orders that the following dates
4 shall apply in the above-captioned litigation:

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<u>Event</u>	<u>Date/Deadline</u>
Filing of Aviva's combined motion for reconsideration and appeal of Judge Cahill's Report and Recommendation	Friday, January 15, 2010
Filing of Flintkote's combined response	Wednesday, January 27, 2010
Filing of Aviva's reply re: motion for reconsideration	Tuesday, February 2, 2010
Hearing on motions/continued pretrial conference	Tuesday, February 2 ¹² , 2010 @ 2:30 p.m.
Trial date	Tuesday, March 16, 2010 @ 8:30 a.m.

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16 IT IS SO ORDERED.

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18 Dated: January 14, 2010

