

1 Jack K. Clapper, Esq. (State Bar No. 83207)  
 Steven J. Patti (State Bar No. 163773)  
 2 Christine A. Renken (State Bar No. 232797)  
 CLAPPER, PATTI, SCHWEIZER & MASON  
 3 Marina Office Plaza  
 2330 Marinship Way, Suite 140  
 4 Sausalito, CA 94965  
 Telephone: (415) 332-4262  
 5 Facsimile: (415) 331-5387  
 Email: [jkc@clapperlaw.com](mailto:jkc@clapperlaw.com)  
 6 [steve@clapperlaw.com](mailto:steve@clapperlaw.com)  
[christine@clapperlaw.com](mailto:christine@clapperlaw.com)  
 7

Attorney for Plaintiffs

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION  
 10

11	FRANKLIN HAM and DANA HAM,	)	Case No. CV 08 1551 SC
12	Plaintiffs,	)	<b>STIPULATION TO CONTINUE THE HEARING DATE ON DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND ORDER</b>
13	v.	)	
14	THE CONTINENTAL INSURANCE	)	
15	COMPANY; and DOES 1 through 50,	)	
16	Defendants.	)	

17  
 18 Plaintiffs, Franklin Ham and Dana Ham (collectively "Plaintiffs"), through counsel, and  
 19 Defendant, The Continental Insurance Company ("Defendant"), through counsel, hereby stipulate and  
 20 agree as follows:

- 21 1. WHEREAS, Defendant has filed a Motion for Partial Summary Judgment of Plaintiffs'  
 22 Third Cause of Action (Assigned Claim for Breach of Duty to Settle) Due to Invalid Assignment, which  
 23 is set for hearing on April 17, 2009;
- 24 2. WHEREAS, the parties are engaging in settlement discussions and would like to continue  
 25 the hearing by two weeks;
- 26 3. WHEREAS the motion cut-off is not until June 26, 2009 and trial is not until July 27,  
 27 2009.  
 28

1           Therefore, Plaintiffs and Defendant, through their respective counsel of record, STIPULATE  
2 and AGREE to the following:

3           1.       That the hearing date on Defendant's Motion for Partial Summary Judgment be continued  
4 to May 1, 2009 at 10:00 a.m., Courtroom 1.

5 **IT IS SO STIPULATED AND AGREED.**

6  
7 Dated: March 19, 2009

CLAPPER, PATTI, SCHWEIZER & MASON

8  
9 By:   
10 Jack K. Clapper, Esq.  
11 Steven J. Patti, Esq.  
12 Christine A. Renken, Esq.  
13 Attorneys for Plaintiffs

14  
15 Dated: March 19, 2009

CARROLL, BURDICK & MCDONOUGH LLP

16  
17 By:   
18 Raymond J. Tittman, Esq.  
19 Vance A. Woodward, Esq.  
20 Attorneys for Defendant

21 **SO ORDERED.**

22  
23 Dated: March 20, 2009

