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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CONTRACTORS BONDING AND  
INSURANCE COMPANY,

Plaintiff,

v.

YUE H. LEI, dba K&D  
CONSTRUCTION, et al.

Defendant.

Case No. C 08-01973 JL

SECOND STIPULATION AND ORDER FOR  
EXTENSION OF DEADLINES FOR ORDER  
SETTING INITIAL CASE MANAGEMENT  
CONFERENCE AND DEADLINES

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES TO THIS ACTION,  
through their Attorneys of Record herein:

Contractors Bonding and Insurance Company ("CBIC"), Yue H. Lei dba K&D  
Construction ("K&D"), Susan Marsh ("Marsh") and Richard Jacquot ("Jacquot") have  
agreed to continue the deadlines set forth in the Stipulation and Order for Extension of  
Deadlines for Order Setting Initial Case Management Conference and Deadlines (Docket 8)  
to allow the parties to this action to participate in an early mediation of the underlying

1 action, *Marsh, et al. v. Kin Wong, et al.*, Action No. CGC 05444356, San Francisco Superior  
2 Court, (the "underlying matter") towards resolution of it and the present action. It is  
3 anticipated that the mediation in the underlying matter will be scheduled in before  
4 December 31, 2008.

5 The parties have agreed and hereby stipulate to the following:

- 6 1. All parties hereby consent to proceed before Magistrate Judge Larson and have  
7 each filed a Consent to Proceed Before A United States Magistrate Judge.
- 8 2. CBIC grants to Yue H. Lei dba K&D Construction an open extension of time to  
9 respond to the Complaint for Declaratory Relief herein. Said open extension  
10 shall expire 10 days after the date set for mediation of the underlying matter.
- 11 3. CBIC grants to Susan Marsh and Richard Jacquot an open extension of time to  
12 respond to the Complaint for Declaratory Relief herein. Said open extension  
13 shall expire 10 days after the date set for mediation of the underlying matter.
- 14 4. The parties agree to participate in mediation of the underlying matter on or  
15 before December 31, 2008 before a mediator selected by the parties. The  
16 parties agree that mediation of the underlying matter may facilitate resolution  
17 of the present action and/or assist in the narrowing of issues in dispute herein.

18 Accordingly, the parties stipulate and request that the dates which are set forth in  
19 the July 8, 2008 Oder Continuing Case Management Conference re [6] Stipulation filed by  
20 Contractors Bonding and Insurance Company and signed by Judge James Larson on  
21 7/8/09, and as outlined herein, be continued to the convenience of the Court and to allow  
22 the parties to mediate this matter, as follows:

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IT IS SO STIPULATED.

Dated: September 27, 2008

SELVIN, WRAITH & HALMAN LLP

By: 

Gary Selvin, Esq.  
Attorneys for Defendant  
YUE M. LEI DBA K&D CONSTRUCTION

IT IS SO STIPULATED.

Dated: September \_\_, 2008

WINCHELL & TRUETT

By: \_\_\_\_\_

Harold J. Truett, III, Esq.  
Attorneys for Defendant  
SUSAN MARSH and RICHARD JACQUOT

IT IS SO ORDERED.

Dated: ~~September~~ \_\_, 2008

\_\_\_\_\_  
Magistrate Judge of the United States District  
Court

#135264

1 IT IS SO STIPULATED.

2 Dated: September \_\_\_\_, 2008

SELVIN, WRAITH & HALMAN LLP

3 By: \_\_\_\_\_

4 Gary Selvin, Esq.  
5 Attorneys for Defendant  
6 YUE M. LEI DBA K&D CONSTRUCTION

7 IT IS SO STIPULATED.

8 Dated: September 29, 2008

WINCHELL & TRUETT

9 By: 

10 Harold J. Truett, III, Esq.  
11 Attorneys for Defendant  
12 SUSAN MARSH and RICHARD JACQUOT

13 IT IS SO ORDERED.

14 October 1  
15 Dated: ~~September~~ \_\_\_\_, 2008

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17 \_\_\_\_\_  
18 Magistrate Judge of the United States District  
19 Court

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