

Sep-30-08 05:11pm From:

T-688 P.02/05 F-400

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 RED SHIELD INSURANCE COMPANY

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

12
 13 RED SHIELD INSURANCE COMPANY,
 14 Plaintiff,
 15 v.
 16 BARNHILL MARINA & BOATYARD, INC.;
 17 BARNHILL CONSTRUCTION COMPANY;
 and AUDLEY BARNIE BARNHILL;
 18 Defendants.

CASE NO.: CV 08-2900 WHA
**STIPULATION AND [PROPOSED]
 ORDER FOR CONTINUING MEDIATION
 DATE**

LEWIS BRISBOIS BISGAARD & SMITH LLP
 ONE SANSONME STREET, SUITE 1400
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19
 20 I. INTRODUCTION

21 On August 8, 2008, this Court referred the case to the ADR Unit for Mediation. On
 22 September 9, 2008, this Court notified the parties and counsel that the Mediator assigned to this
 23 case is Eric M. Danoff, with mediation to be completed by November 7, 2008.

24 On September 22, 2008, during a pre-mediation telephone conference, the parties and
 25 appointed mediator discussed the mediation currently scheduled for November 4, 2008. The
 26 parties agreed that based on the current activity of the case, mediation of November 4 would be
 27 premature. In addition, Plaintiff's counsel has a 2-week trial scheduled beginning October 3, and
 28 Defendants' counsel has a 5-week trial scheduled starting October 6. Accordingly, to allow

4820-9887-7443.1

1 sufficient time for the parties to engage in discovery and formulate their opinions regarding the
2 issues in the case, the parties request that the Court move the deadline to complete mediation to
3 December 12, 2008. This additional time will not impact any of the Court's other deadlines, as the
4 trial is not set to commence until September 28, 2009.

5 Accordingly, the parties have entered into the following stipulation, and respectfully
6 request that the Court execute this Proposed Order based on that stipulation.

7
8 **II. STIPULATION**

9 The parties, by and through their attorneys of record herein, submit their Stipulation and
10 Proposed Order Continuing the mediation date as follows:

- 11 1. The deadline to participate in mediation may be continued from November 7, 2008
12 to December 12, 2008.

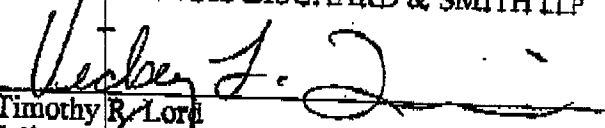
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14 **IT IS SO STIPULATED.**

15 Endorsement of this agreement may be by counterpart signatures.

16
17 Dated: September 30 2008

LEWIS BRISBOIS BISGAARD & SMITH LLP

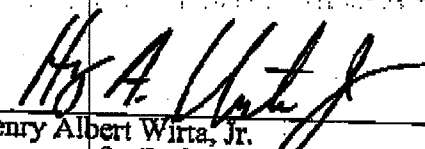
18
19 By


20 Timothy B. Lord
21 Julian J. Harding
22 Vickey L. Quinn
23 Attorneys for Plaintiff
24 RED SHIELD INSURANCE COMPANY

25
26 Dated: September 30, 2008

HARRINGTON FOXX DUBROW & CANTER, LLP

27
28 By


29 Henry Albert Wirta, Jr.
30 Attorneys for Defendant
31 BARNHILL MARINA & BOATYARD, INC.;
32 BARNHILL CONSTRUCTION COMPANY; and
33 AUDLEY BARNIE BARNHILL

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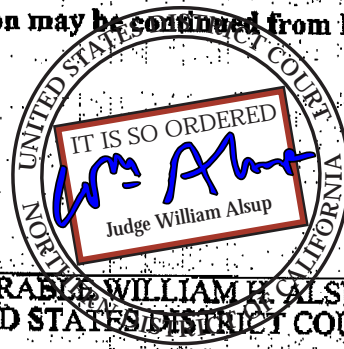
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ORDER

Based on the stipulation of the parties and good cause appearing, the Court hereby vacates the previously scheduled mediation date and amends the Court's Scheduling Order as follows:

1. The deadline to participate in mediation may be continued from November 7, 2008 to December 12, 2008.

Dated: October 2, 2008



HONORABLE WILLIAM R. ALSUP
UNITED STATES DISTRICT COURT JUDGE

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PROOF OF SERVICE

File No. 28208-4

Red Shield Insurance Company v. Barnhill Marina & Boatyard, Inc., et al.
 United States District Court, Northern District of California, Case # CV 08-2900 WHA

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is One Sansome Street, Suite 1400, San Francisco, California 94104.

On October 1, 2008, I served the following document described as:

STIPULATION AND [PROPOSED] ORDER FOR CONTINUING MEDIATION DATE

on all interested parties in this action by placing a true copy the original thereof enclosed in sealed envelopes addressed as follows:

ATTORNEYS FOR DEFENDANTS	Telephone/Fax/Email:
Henry A. Wirta, Jr., Esq. Harrington Foxx Dubrow & Canter LLP 655 Montgomery Street, Suite 1100 San Francisco, CA 94111 Email: hwirta@hfdclaw.com	Tel: (415) 288-6600 Fax: (415) 288-6618

(BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

(BY FACSIMILE) The facsimile machine I used complied with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule 2008(e)(4), I caused the machine to print a record of the transmission.

(BY MAIL, 1013a, 2015.5 C.C.P.)

I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY OVERNIGHT DELIVERY/COURIER)

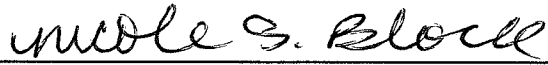
I deposited such envelope in a box or facility regularly maintained by the express service carrier in an envelope or package designated by the express service carrier with delivery fees provided for.

(BY MESSENGER) I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed above and providing them to a messenger for personal service. (A proof of service executed by the messenger will be filed in compliance with the *Code of Civil Procedure*.)

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(FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on October 1, 2008, at San Francisco, California.


Nicole S. Block

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