

1 DANIEL R. MILLER (Bar No. 126893)  
[Daniel.Miller@msrlegal.com](mailto:Daniel.Miller@msrlegal.com)  
2 SIDNEY S. FOHRMAN (Bar No. 237630)  
[Sidney.Fohrman@msrlegal.com](mailto:Sidney.Fohrman@msrlegal.com)  
3 ANDREW J. RAMOS  
[Andrew.Ramos@msrlegal.com](mailto:Andrew.Ramos@msrlegal.com)

4 MILLER STARR REGALIA  
A Professional Law Corporation  
5 1331 N. California Blvd., Fifth Floor  
Post Office Box 8177  
6 Walnut Creek, California 94596  
Telephone: (925) 935-940  
7 Facsimile: (925) 933-4126

8 Attorneys for Plaintiffs  
MAURICE A. LADRECH, as Trustee on behalf of  
9 the Maurice A. Ladrech Revocable Living Trust;  
NICOLE A. LADRECH, as Trustee on behalf of the  
10 Nicole A. Ladrech Trust; ANDRE A. LADRECH, as  
Trustee on behalf of the Andre A. Ladrech Trust;  
11 ERIC E. LADRECH, as Trustee on behalf of the  
Eric E. Ladrech Trust

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 MAURICE A. LADRECH, as Trustee on  
16 behalf of the Maurice A. Ladrech  
Revocable Living Trust; NICOLE A.  
17 LADRECH, as Trustee on behalf of the  
Nicole A. Ladrech Trust; ANDRE A.  
18 LADRECH, as Trustee on behalf of the  
Andre A. Ladrech Trust; ERIC E.  
19 LADRECH, as Trustee on behalf of the  
Eric E. Ladrech Trust,

20 Plaintiffs,

21 v.

22 FIRST MERCURY INSURANCE  
23 COMPANY, and DOES 1 through 100,  
inclusive,

24 Defendants.  
25

No. CV 10 2307 JCS

STIPULATION AND ~~PROPOSED~~ ORDER  
TO EXTEND DEADLINE FOR PLAINTIFFS  
TO FILE MOTION TO REMAND AND TO  
CONTINUE INITIAL CASE MANAGEMENT  
CONFERENCE PENDING EARLY  
MEDIATION

**STIPULATION OF THE PARTIES**

1  
2           1.       Plaintiffs MAURICE A. LADRECH, as Trustee on behalf of the Maurice  
3 A. Ladrech Revocable Living Trust, NICOLE A. LADRECH, as Trustee on behalf of the Nicole  
4 A. Ladrech Trust, ANDRE A. LADRECH, as Trustee on behalf of the Andre A. Ladrech Trust,  
5 and ERIC C. LADRECH, as Trustee on behalf of the Eric E. Ladrech Trust (collectively,  
6 “Plaintiffs”) filed Case No. RG 10511573 in the Superior Court of the State of California, County  
7 of Alameda, on April 26, 2010, against Defendants FIRST MERCURY INSURANCE  
8 COMPANY (“First Mercury”) and DOES 1 through 100, inclusive (hereinafter, the “State Court  
9 Action”). Plaintiffs and First Mercury are collectively referred to herein as the “Parties.”

10           2.       On May 26, 2010, First Mercury filed a Notice and Petition for Removal of  
11 the State Court Action under 28 U.S.C. Section 1441(b) removing the State Court Action to the  
12 United States District Court, Northern District of California (Case No. CV 10 2307 JCS).

13           3.       Plaintiffs contend that First Mercury’s removal of the State Court Action to  
14 the United States District Court, Northern District of California, is invalid and improper and that  
15 the case should be remanded to the Superior Court of the State of California, County of Alameda.  
16 First Mercury disputes this contention.

17           4.       Plaintiffs and First Mercury have agreed to participate in an early, private  
18 mediation in an effort to resolve the case. Although Plaintiffs and First Mercury have not yet  
19 agreed on a mediation date, Plaintiffs and First Mercury intend on participating in mediation  
20 during July 2010 or August 2010.

21           5.       In order to avoid litigation expense, Plaintiffs and First Mercury seek to  
22 extend the current deadlines, as set forth in the Case Management Order, and to extend the date  
23 within which Plaintiff may file a motion to remand so that the Parties can focus their efforts to  
24 resolve this case through mediation.

25                   IT IS HEREBY STIPULATED AND AGREED between the Parties, by  
26 and through their respective counsel, that:

1           1.       The deadline for Plaintiffs to file a motion to remand this action to the  
2 Superior Court of the State of California, County of Alameda, shall be extended for sixty (60)  
3 days, from June 25, 2010 to August 24, 2010;

4           2.       By submitting this Stipulation and Proposed Order to the Court, Plaintiffs  
5 are not submitting to the Court's jurisdiction and are not waiving their right to contest the Court's  
6 jurisdiction and/or the venue in this matter;

7           3.       The Initial Case Management Conference, currently set for September 3,  
8 2010, shall be continued for sixty (60) days to allow the Parties to attempt to resolve their dispute  
9 via mediation. The Parties agree that all other case deadlines preceding or linked to the date of  
10 the Initial Case Management Conference shall be continued for 60 days.

11  
12 Dated: June 17, 2010

MILLER STARR REGALIA

13  
14 By: /S/

DANIEL R. MILLER  
Attorneys for Plaintiffs  
MAURICE A. LADRECH, as Trustee on  
behalf of the Maurice A. Ladrech Revocable  
Living Trust; NICOLE A. LADRECH, as  
Trustee on behalf of the Nicole A. Ladrech  
Trust; ANDRE A. LADRECH, as Trustee  
on behalf of the Andre A. Ladrech Trust;  
ERIC E. LADRECH, as Trustee on behalf  
of the Eric E. Ladrech Trust

15  
16  
17  
18  
19  
20 Dated: June 18, 2010

LONG & LEVITT LLP

21  
22 By: /S/

DAVID P. BOROVSKY  
Attorneys for Defendant FIRST MERCURY  
INSURANCE CO.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROPOSED ORDER**

Having considered the Stipulation To Extend Deadline For Plaintiffs To File Motion To Remand And To Continue Initial Case Management Conference Pending Early Mediation (the “Stipulation), and good cause appearing therefore:

IT IS HEREBY ORDERED THAT:

1. The deadline for Plaintiffs to file a motion to remand this action to the Superior Court of the State of California, County of Alameda, shall be extended up to and including August 24, 2010;
2. The Initial Case Management Conference is continued 60 days to November <sup>5</sup>~~2~~, 2010;
3. All other case deadlines preceding or linked to the date of the Initial Case Management Conference are continued approximately 60 days, as set forth in the Court’s Amended Order setting Initial Case Management Conferences and ADR deadlines;
4. By submitting this Stipulation and Proposed Order to the Court, Plaintiffs are not submitting to the Court’s jurisdiction and are not waiving their right to contest the Court’s jurisdiction and/or the venue in this matter;

Dated: 06/22/10

