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9 Attorneys for Defendant
10 CONTINENTAL CASUALTY COMPANY

11 IN THE UNITED STATES DISTRICT COURT FOR THE
12
13 NORTHERN DISTRICT OF CALIFORNIA

14 FRESHERIZED FOODS, INC.,) Civil Action No. CV 10 3207 BZ
15 Plaintiff,)
16 vs.) **STIPULATION AND [PROPOSED] ORDER**
17 CONTINENTAL CASUALTY COMPANY,) **SETTING BRIEFING SCHEDULE FOR**
18 Defendant.) **CROSS-MOTIONS FOR SUMMARY**
19) **JUDGMENT AND CONTINUANCE OF**
20) **INITIAL CASE MANAGEMENT**
21) **CONFERENCE**
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29 Pursuant to United States District Court for the Northern District of California Local Rules
30 7.12 and 16(e), it is hereby stipulated by and between plaintiff Fresherized Foods, Inc. and
31 defendant Continental Casualty Company (collectively "parties"), by and through their attorneys of
32 record, as follows:

33 Counsel for the parties have met and conferred and stipulate to the filing of cross-motions
34 for summary judgment and/or partial summary judgment based on a set of stipulated facts or
35 documents in order to resolve the action or streamline the issues for trial.

36 Counsel parties are presently negotiating stipulated facts or documents for use in the cross-
37 motions for summary judgment and do not foresee an impasse to such a stipulation.

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1 The parties have agreed to a briefing schedule for the cross-motions for summary
2 judgment and/or partial summary judgment as follows:

3 Moving papers January 19, 2011
4 Opposition papers February 9, 2011
5 Any reply papers February 16, 2011

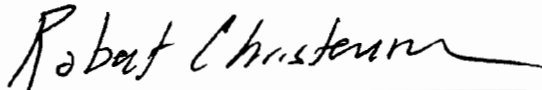
6 The hearing on said motions may be set for March 2, 2011, or the first available date
7 following the briefing, as convenient for the Court's schedule.

8 The parties agree that their resources are better utilized by the filing of said cross-
9 motions, and therefore stipulate to a continuance of the January 3, 2011 Initial Case
10 Management Conference to a date at least two weeks after the hearing on the cross-
11 motions.

12 IT IS SO STIPULATED.

13 DATED: 12/15/2010

COLLIAU ELENUS MURPHY CARLUCCIO
KEENER & MORROW

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17 ROBERT C. CHRISTENSEN
18 Attorneys for Defendant
CONTINENTAL CASUALTY COMPANY

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21 DATED: _____

WILD, CAREY & FIFE

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TERENCE KENNEY
Attorneys for Plaintiff
FRESHERIZED FOODS, INC.
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The parties have agreed to a briefing schedule for the cross-motions for summary judgment and/or partial summary judgment as follows:

- Moving papers January 19, 2011
- Opposition papers February 9, 2011
- Any reply papers February 16, 2011

The hearing on said motions may be set for March 2, 2011, or the first available date following the briefing, as convenient for the Court's schedule.

The parties agree that their resources are better utilized by the filing of said cross-motions, and therefore stipulate to a continuance of the January 3, 2011 Initial Case Management Conference to a date at least two weeks after the hearing on the cross-motions.

IT IS SO STIPULATED.

DATED: _____

COLLIAU ELENUS MURPHY CARLUCCIO
KEENER & MORROW

ROBERT C. CHRISTENSEN
Attorneys for Defendant
CONTINENTAL CASUALTY COMPANY

DATED: 12/15/2010

WILD, CAREY & FIFE

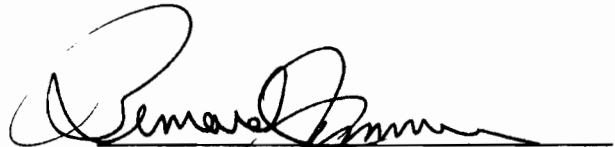
Terence Kenney

TERENCE KENNEY
Attorneys for Plaintiff
FRESHERIZED FOODS, INC.

1 PURSUANT TO STIPULATION, IT IS ORDERED that the parties shall file
2 papers in support of, and in opposition and reply to cross-motions for summary judgment
3 and/or partial summary judgment pursuant to the stipulated briefing schedule. Argument
4 on the cross-motions shall be heard on March 2 at 10:00 a.m. in
5 Courtroom G.

6 The Initial Case Management Conference is continued from January 3, 2011 to
7 March 14, at 4 p.m., with the deadlines set forth in the Order Setting Initial Case
8 Management Conference and ADR Deadlines continued accordingly. Any deadline falling
9 on a weekend or court holiday shall be set for the first prior business day.

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12 Dated: 16 Dec 2010



Honorable Bernard A. Zimmerman
United States District Court for the Northern
District of California Magistrate Judge

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