

1 ROBERT C. CHRISTENSEN (State Bar Number 151296)
2 SHERMAN C. LEE (State Bar Number 145765)
3 COLLIAU ELENUS MURPHY CARLUCCIO
4 KEENER & MORROW
5 555 Mission Street, Suite 330
6 San Francisco, CA 94105
7 Phone: (415) 932-7000
8 Fax: (415) 932-7001

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,) **TO VACATE BRIEFING SCHEDULE AND TO**
18 Defendant.) **RESET INITIAL CASE MANAGEMENT**
19) **CONFERENCE**
20)
21)
22)
23)
24)

25 On December 15, 2010, plaintiff Fresherized Foods, Inc. and defendant Continental Casualty
26 Company (collectively "parties") filed a stipulation to set a briefing schedule for cross-motions for
27 summary judgment and to continue the Initial Case Management Conference until after the hearing
28 on those motions.

The stipulation to file cross-motions was based on the parties' anticipated agreement to set
of stipulated documents and facts.

The Court entered the Stipulation as an Order on December 16, 2010, with a briefing
schedule set for the cross-motions and the Initial Case Management Conference set for March 2,
2011.

///

///


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

Following a good faith effort to stipulate to facts and documents in support of the cross-motions, the parties have reached an impasse as to certain evidence. As the parties cannot stipulate to a set of documents and facts in support of the cross-motions, the parties are unable to file cross-motions in accordance with the briefing schedule. The parties therefore stipulate and respectfully request that the briefing schedule be vacated.

In conjunction with the briefing schedule, the parties requested that the Initial Case Management be continued to a date after the hearing on the motions for summary judgment. In light of impasse regarding the filing of cross-motions, the parties stipulate and request that the Initial Case Management Conference be set for an earlier date that allows for Rule 26(f) and related meet and confer deadlines, as convenient for the Court.

DATED: 1/19/2011

COLLIAU ELENUS MURPHY CARLUCCIO
KEENER & MORROW


ROBERT C. CHRISTENSEN
Attorneys for Defendant
CONTINENTAL CASUALTY COMPANY

DATED: _____

WILD, CAREY & FIFE

TERENCE KENNEY
Attorneys for Plaintiff
FRESHERIZED FOODS, INC.

1 Following a good faith effort to stipulate to facts and documents in support of the cross-
2 motions, the parties have reached an impasse as to certain evidence. As the parties cannot stipulate
3 to a set of documents and facts in support of the cross-motions, the parties are unable to file cross-
4 motions in accordance with the briefing schedule. The parties therefore stipulate and respectfully
5 request that the briefing schedule be vacated.

6 In conjunction with the briefing schedule, the parties requested that the Initial Case
7 Management be continued to a date after the hearing on the motions for summary judgment. In light
8 of impasse regarding the filing of cross-motions, the parties stipulate and request that the Initial
9 Case Management Conference be set for an earlier date that allows for Rule 26(f) and related meet
10 and confer deadlines, as convenient for the Court.

11 DATED: _____ COLLIAU ELENUS MURPHY CARLUCCIO
12 KEENER & MORROW

13
14
15 _____
16 ROBERT C. CHRISTENSEN
17 Attorneys for Defendant
18 CONTINENTAL CASUALTY COMPANY

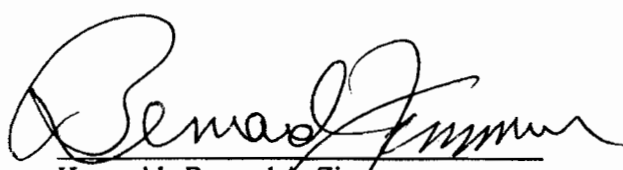
19 DATED: 1/18/2011 WILD, CAREY & FIFE

20
21 _____
22 TERENCE KENNEY
23 Attorneys for Plaintiff
24 FRESHERIZED FOODS, INC.
25
26
27
28

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

PURSUANT TO STIPULATION, IT IS ORDERED that the briefing schedule on the cross-motions is vacated. The Initial Case Management Conference [is reset to Feb 28²⁰¹¹ at 4pm ~~shall remain as currently scheduled~~].

Dated: 18 Jan 11


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