STIPULATION AND [PROPOSED] ORDER MODIFYING THE CASE SCHEDULE

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15	UNITED STAT	ES DISTRICT COURT
16	NORTHERN DIS	TRICT OF CALIFORNIA
17	SAN FRANCISCO DIVISION	
18	LIBERTY MUTUAL INSURANCE	Case No. C-11-1419 MMC
19	COMPANY, a Massachusetts Corporation,	STIPULATION AND [PROPOSED]
20	Plaintiff,	ORDER MODIFYING THE CASE SCHEDULE
21	VS.	Judge: Hon. Maxine M. Chesney
22	THE CALIFORNIA AUTOMOBILE	Dept: Courtroom 7, 19th Floor
23	ASSIGNED RISK PLAN, a program established under California Insurance	Complaint filed: March 24, 2011
24	Code section 11620 et seq., and DOES 1 through 20, inclusive,	Trial date: February 4, 2013
25	Defendants.	
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CASE NO.: 3:11-cv-01419-MMC

1 2	THE CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN,	
3	Counter-Claimant,	
4	VS.	
5	LIBERTY MUTUAL INSURANCE	
6	COMPANY, a Massachusetts Corporation, Counter-Defendant.	
7	Counter-Defendant.	
8	Pursuant to Civil Local Rules 6-2, 7-12 and 40-1, Defendant/Counter-Claimant The	
9	California Automobile Assigned Risk Plan ("CAARP") and Plaintiff/Counter-Defendant Liberty	
10	Mutual Insurance Company ("Liberty Mutual") respectfully submit this Stipulation And Proposed	
11	Order To Extend The Schedule.	
12	WHEREAS, Liberty Mutual filed its Complaint on March 24, 2011 (Docket No. 1);	
13	CAARP filed its answer and counterclaims on May 20, 2011 (Docket No. 11); and Liberty	
14	Mutual filed its answer to CAARP's counterclaims on June 10, 2011 (Docket No. 13);	
15	WHEREAS, on July 8, 2011, the Court, following a Case Management Conference, made	
16	a Minute Entry (Docket No. 19), and on July 14, 2011, the Court entered a Pretrial Preparation	
17	Order (Docket No. 22), which incorporated the deadlines set in the Court's Minute Entry;	
18	WHEREAS, on February 21, 2012, pursuant to the Parties' stipulation, the Court entered	
19	an Order Modifying The Case Schedule (Docket No. 43), which modified the dates in the Court's	
20	Pretrial Preparation Order.	
21	WHEREAS, on June 14, 2012, Magistrate Judge Jacqueline Scott Corley entered an Orde	
22	re Discovery Disputes (Docket No. 53), which ordered the production of certain documents, the	
23	scheduling of certain depositions and supplemented responses to certain discovery requests.	
24	WHEREAS, counsel for CAARP and Liberty Mutual agree that additional time is needed	
25	to conduct and complete expert discovery beyond what is currently allowed under the first Order	
26	Modifying The Case Schedule, in part because of the additional fact discovery that is currently	
27	being taken pursuant to Judge Corley's Order re Discovery Disputes;	
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1	WHEREAS, Liberty Mutual has separately requested that CAARP stipulate to a one-week	
2	continuance of the current trial date to address a scheduling conflict;	
3	WHEREAS, CAARP is willing to stipulate to a one-week continuance of the current trial	
4	date as a reasonable scheduling accommodation, but CAARP will not stipulate to – and instead	
5	opposes – any request for a more lengthy continuance of the current trial date if the Court does	
6	not grant a one-week continuance;	
7	WHEREAS, counsel for CAARP and Liberty Mutual have conferred and agreed upon	
8	modifications to the first Order Modifying The Case Schedule, subject to Court approval, that	
9	would enable them to complete expert discovery in this action and address a scheduling conflict	
10	that Liberty Mutual has with the current trial schedule;	
11	WHEREAS, CAARP and Liberty Mutual agree the proposed modifications to the case	
12	schedule regarding the deadlines applicable to expert discovery, dispositive motions and the case	
13	management conference set forth below do not require a continuance of the trial date, and the	
14	stipulated request for a one-week continuance of the trial date is premised exclusively on Liberty	
15	Mutual's scheduling conflict;	
16	THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the undersigned as	
17	follows:	
18	1. The dates set in the Pretrial Preparation Order are modified as set forth below:	
19	a. JURY TRIAL DATE: <u>February 11, 2013</u> .	
20	b. DESIGNATION OF EXPERTS:	
21	Plaintiff/Defendant: No later than July 20, 2012.	
22	Plaintiff/Defendant: Rebuttal no later than <u>August 10, 2012</u> . (With objections by <u>October 12, 2012</u> .)	
23	c. EXPERT DISCOVERY CUTOFF: <u>September 13, 2012</u> .	
24	d. DISPOSITIVE MOTIONS shall be filed no later than October 12, 2012.	
25	e. FURTHER STATUS CONFERENCE STATEMENT DUE: October 19, 2012.	
26	f. FURTHER STATUS CONFERENCE: October 26, 2012.	
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1	2. If the Court does not grant the requested one-week continuance of the trial date,		
2	CAARP and Liberty Mutual jointly: (a) request that the Court grant the remainder of this		
3	stipulated and [Proposed] Order Modifying the Case Schedule, and (b) stipulate that, if Liberty		
4	Mutual still desires a continuance of the trial date, Liberty Mutual shall be required to file a		
5	motion in accordance with the local rules requesting such relief from the Court and CAARP shal		
6	have an opportunity to oppose any such motion.		
7	3. The dates previously set for the above events are hereby vacated. All other dates		
8	set forth in the Court's first Order Modifying The Case Schedule entered on February 21, 2012		
9	and the Pretrial Preparation Order entered on July 14, 2011 shall remain unchanged.		
10	4. This stipulation and proposed order is without prejudice to either party seeking		
11	further adjustment to the schedule.		
12	Detail: Laber 2, 2012 FARELLA DRAINLO MARTELLI R		
13	Dated: July 2, 2012 FARELLA BRAUN & MARTEL LLP		
14	By: <u>/s/ Tyler C. Gerking</u> Tyler C. Gerking		
15	Attorneys for Defendant		
16	THE CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN		
17 18	D. 1. 1. 1. 2. 2012		
19	Dated: July 2, 2012 SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP		
20	By:/s/ James R. Carroll James R. Carroll		
21	Attorneys for Plaintiff/Counter-Defendant		
22	LIBERTY MUTUAL INSURANCE COMPANY		
23	PURSUANT TO STIPULATION		
24	IT IS SO ORDERED, with the exception that the trial date remains February 4, 2012		
25	as scheduled, and as jointly requested by the parties in their prior stipulation.		
26	July <u>5</u> , 2012 <u>Mafine M. Chekey</u>		
27	Hon. Maxine M. Chesney United States District Judge		
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	STIPULATION AND [PROPOSED] ORDER - 4 - 25319\3168441.4		

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