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 13 (f/k/a American International Specialty Lines
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18 Attorneys for Defendant
 19 AQUA SCIENCES ENGINEERS, INC.

20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA

22 CHARTIS SPECIALTY INSURANCE
 23 COMPANY (f/k/a American International
 24 Specialty Lines Insurance Company),

25 Plaintiff,

26 v.

27 AQUA SCIENCES ENGINEERS, INC.,

28 Defendant.

Case No. CV 11 3669 EMC

**STIPULATION TO RESCHEDULE CASE
 MANAGEMENT CONFERENCE ; ORDER**

1 COMES NOW Plaintiff Chartis Specialty Insurance Company (f/k/a American
2 International Specialty Lines Insurance Company) (“Chartis”) and Defendant Aqua Science
3 Engineers, Inc. (“Aqua”), (collectively the “Parties”), by and through their respective attorneys,
4 request that the case management conference scheduled for December 23, 2011 be rescheduled to
5 a time in January 2012.

6 1. The October 7, 2011 Case Management Conference Order in Reassigned
7 Cases ordered that, pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 6-10, the
8 case management conference will be held before the Honorable Edward M. Chen on December
9 23, 2011 at 9:00 a.m., in Courtroom 5, 17th Floor, 450 Golden Gate Avenue, San Francisco,
10 California.

11 2. The Case Management Conference Order in Reassigned Cases requires that
12 any request to reschedule the case management date must be made in writing by stipulation not
13 less than ten (10) days before the conference date.

14 3. The Parties request that the case management conference be rescheduled
15 because Friday, December 23, 2011 is two (days) before Christmas.

16 4. Plaintiff’s Counsel, located at 1120 Twentieth Street, NW, Washington,
17 DC 20036, would need to fly to San Francisco on Thursday, December 22, 2011, and would most
18 likely have to fly home late Friday, December 23, 2011 or early Saturday, December 24, 2011.

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5. The Parties stipulate that traveling cross country at this time of the year imposes hardship on Plaintiff's Counsel. The Parties, therefore, request that the case management date be moved to January 2012.

Dated: November 11, 2011

MCCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

By: /s/ James P. Wagoner
James P. Wagoner
Attorney for Plaintiff
CHARTIS SPECIALTY INSURANCE
COMPANY (f/k/a American International
Specialty Lines Insurance Company)

Dated: November 11, 2011

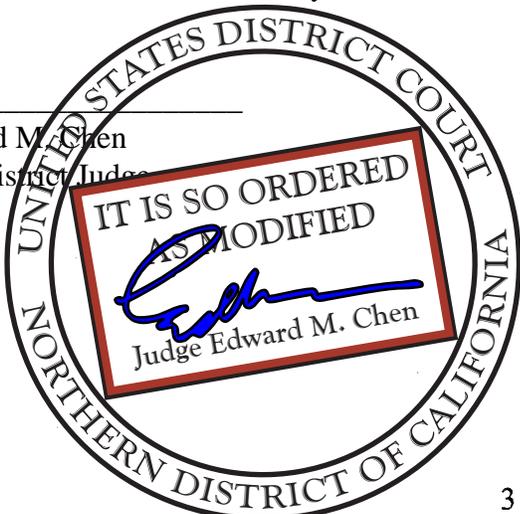
WOOD, SMITH, HENNING & BERMAN
LLP

By: /s/ Kevin D Smith
Kevin D. Smith
Patrick S. Schoenburg
Attorneys for Defendant
AQUA SCIENCES ENGINEERS, INC.

03674/02011-1827365.v1

IT IS SO ORDERED that the CMC is reset from 12/23/11 to 2/3/12 at 9:00 a.m. A joint CMC Statement shall be filed by 1/27/12.

Edward M. Chen
U.S. District Judge



1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a
3 party to the within action. My business address is McCormick, Barstow, Sheppard, Wayte &
4 Carruth LLP, 5 River Park Place East, Fresno, California 93720-1501. On October 4, 2011, I re-
served the within documents that had originally been served on November 11, 2011 to the same
recipients that are listed below:

5 **STIPULATION TO RESCHEDULE CASE MANAGEMENT**
6 **CONFERENCE**

- 7 **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax
8 number(s) set forth below on this date before 5:00 p.m.
- 9 **BY PERSONAL DELIVERY:** by personally delivering the document(s) listed
10 above to the person(s) at the address(es) set forth below.
- 11 **BY MAIL:** by placing the document(s) listed above in a sealed envelope with
12 postage thereon fully prepaid, in the United States mail at Fresno, California
13 addressed as set forth below.
- 14 **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an
15 overnight delivery service company for delivery to the addressee(s) on the next
16 business day.
- 17 **BY ELECTRONIC SUBMISSION:** by e-mailing the documents to the
18 recipients below.

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18 Jean C. Kissane
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21 I am readily familiar with the firm's practice of collection and processing
22 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal
23 Service on that same day with postage thereon fully prepaid in the ordinary course of business. I
24 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.

25 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.

26 Executed on November 11, 2011, at Fresno, California.

27 /s/ Lori Sinclair

Lori Sinclair