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17 Attorneys for LEXINGTON INSURANCE
18 COMPANY, INSURANCE COMPANY OF THE STATE
19 OF PENNSYLVANIA and CHARTIS CLAIMS, INC.

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 AMERICAN STEEL & STAIRWAYS, INC.;)
24 MARTIN VOLLRATH, an individual; and)
25 THOMAS VOLLRATH, an individual,)

26 Plaintiffs,)

27 v.)

28 LEXINGTON INSURANCE COMPANY, a)
Delaware corporation; INSURANCE)
COMPANY OF THE STATE OF)
PENNSYLVANIA, a Pennsylvania)
corporation; CHARTIS CLAIMS, INC., a)
Delaware corporation; and DOES 1 through)
100, inclusive,)

Defendants.)

Case No. 12 cv 3103 SI
[The Honorable Susan Illston]

**STIPULATION AND ORDER TO
CONTINUE HEARING DATE OF
CHARTIS CLAIMS, INC.'S MOTION TO
DISMISS**

Pursuant to Civil Local Rules 7-7(b)(1), 6-1 and 6-2 for the Northern District of California, Plaintiffs American Steel & Stairways, Inc., Martin Vollrath and Thomas Vollrath (collectively, "Plaintiffs") and Defendant Chartis Claims, Inc. (collectively, with Plaintiffs, the

1 “Parties”), by their undersigned attorneys, hereby stipulate and agree as follows:

2 WHEREAS, Plaintiffs filed a complaint in San Mateo County Superior Court on April
3 16, 2012 and Defendants Lexington Insurance Company, the Insurance Company of the State of
4 Pennsylvania and Chartis Claims, Inc. (“Chartis Claims”) removed the case to Federal Court on
5 June 15, 2012;

6 WHEREAS, Chartis Claims filed a Motion to Dismiss Pursuant to Federal Rule of Civil
7 Procedure 12(b)(6) on June 22, 2012;

8 WHEREAS, Plaintiffs filed their Opposition to Chartis Claims’ Motion to Dismiss on
9 July 6, 2012;

10 WHEREAS, Chartis Claims’ filed its reply on July 20, 2012;

11 WHEREAS, the hearing on Chartis Claims’ Motion to Dismiss is currently scheduled for
12 August 24, 2012 at 9:00 a.m.;

13 WHEREAS, the Parties have agreed to continue the hearing date to September 21, 2012
14 at 9:00 a.m.;

15 WHEREAS, there has been no prior modification of the hearing date by the Parties;

16 WHEREAS, none of the Parties will be prejudiced by the modification of the hearing
17 date;

18 NOW, THEREFORE, the Parties hereby stipulate to continue the hearing date for Chartis
19 Claims’ Motion to Dismiss Pursuant to Federal Rules of Civil Procedure 12 to September 21,
20 2012 at 9:00 a.m.

21 IT IS SO AGREED AND STIPULATED.

22 DATED: August 17, 2012

23 SEDGWICK LLP

WILLOUGHBY, STUART & BENING

24 By: /s/ Diana L. Geseking
25 Diana L. Geseking

By: /s/ Alexander F. Stuart
Alexander F. Stuart

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Attorneys for Plaintiffs AMERICAN STEEL &
STAIRWAYS, INC., MARTIN VOLLRATH and
THOMAS VOLLRATH

Attorneys for Defendants LEXINGTON
INSURANCE COMPANY, INSURANCE
COMPANY OF THE STATE OF
PENNSYLVANIA and CHARTIS CLAIMS, INC.

IT IS SO ORDERED.



DATED: 8/17/12

HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT COURT JUDGE

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18 COMPANY, INSURANCE COMPANY OF THE STATE
19 OF PENNSYLVANIA and CHARTIS CLAIMS, INC.

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 AMERICAN STEEL & STAIRWAYS, INC.;)
24 MARTIN VOLLRATH, an individual; and)
25 THOMAS VOLLRATH, an individual,) Case No. 12 cv 3103 SI
26)
27 Plaintiffs,) [The Honorable Susan Illston]
28)
29 v.) **CERTIFICATE OF SERVICE**
30)
31 LEXINGTON INSURANCE COMPANY, a)
32 Delaware corporation; INSURANCE)
33 COMPANY OF THE STATE OF)
34 PENNSYLVANIA, a Pennsylvania)
35 corporation; CHARTIS CLAIMS, INC., a)
36 Delaware corporation; and DOES 1 through)
37 100, inclusive,)
38)
39 Defendants.)

40 I am familiar with the United States District Court, Northern District of California's
41 practice for collecting and processing electronic filings. Under that practice, the following
42 document was electronically filed with the court on August 17, 2012:
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**1. STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING
DATE OF CHARTIS CLAIMS, INC.’S MOTION TO DISMISS**

The Court’s CM/ECF system will generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered users in the case. The NEF will constitute service of the document(s). Registration as a CM/ECF user constitutes consent to electronic service through the Court’s transmission facilities. Under said practice, the following CM/ECF users were served:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 17, 2012, at Chicago, Illinois.

 /s/ Diana L. Geseking
Diana L. Geseking