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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

SWINERTON BUILDERS, a California corporation; and SWINERTON INCORPORATED, a California corporation,

Plaintiffs,

v.

AMERICAN HOME ASSURANCE COMPANY; NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA.; and DOES 1 through 250, inclusive,

Defendants.

CASE NO.: 3:12-cv-04350-SC

STIPULATION AND ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE

The undersigned parties, through their respective counsel, hereby stipulate as follows and request that the Court enter this Stipulation and Order continuing the Case Management Conference to a later date:

- (1) The currently scheduled June 14, 2013 Case Management Conference was set by Order entered May 6, 2013 (Document 30), prior to the filing and service of responsive pleadings by Defendants American Home Assurance Company (“American Home”) and National Union Fire Insurance Company of Pittsburgh, PA (“National Union”) (collectively “Defendants”);
- (2) On or about May 28, 2013, Defendants filed a Notice of Motion and Motion to Dismiss (FRCP 12(b)(6)) and alternative Motion to Compel Arbitration (9USC 3, 4).
- (3) The parties desire a continuation of the Case Management Conference to allow time

1 for the Court to rule on Defendants' Motion to Dismiss prior to the parties and the Court expending
2 time and resources. As such, the parties hereby stipulate to a continuance of the Case Management
3 Conference to a date convenient for the Court.

4
5 /s/ Joseph L. Oliva
6 Joseph L. Oliva, Esquire
7 Oliva & Associates, ALC
8 11770 Bernardo Plaza Court, Suite 350
9 San Diego, CA 92128
10 *Attorney for Plaintiffs, Swinerton Builders*
11 *and Swinerton Incorporated*

/s/ Marc J. Derewetzky
Marc J. Derewetzky, Esquire
Trenk DiPasquale Della Fera & Sodono, P.C.
1300 Clay Street, Suite 600
Oakland, CA 94612
Attorneys for Defendants, American Home
Assurance Company and National Union Fire
Insurance Company of Pittsburgh, PA

12 **GOOD CAUSE APPEARING, IT IS SO ORDERED**

13 The case management conference is continued to Friday, September 13, 2013, at 10:00 a.m.

14  06/05/2013
15 Honorable Samuel Conti
16 United States District Court Judge

1 OLIVA & ASSOCIATES ALC
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2 Charles L. Fanning IV, Esq., State Bar No. 248704
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6 Attorneys for Plaintiffs
7 SWINERTON BUILDERS and
SWINERTON INCORPORATED
8

9
10 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

11 SWINERTON BUILDERS, a California
12 corporation; and SWINERTON
INCORPORATED, a California corporation,
13

Plaintiffs,
14

v.
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16 AMERICAN HOME ASSURANCE
COMPANY; NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH,
17 PA.; and DOES 1 through 250, inclusive,
18

Defendants.
19

CASE NO. cv 12-04350 SC

PROOF OF SERVICE

20 I am employed in the County of San Diego, State of California. I am over the age
21 of 18 and not a party to the within action. My business address is 11770 Bernardo Plaza
22 Court, Suite 350, San Diego, California 92128.

23 On June 4, 2013, I caused the following document(s) described as:

24 STIPULATION AND ORDER TO CONTINUE CASE MANAGEMENT

25 CONFERENCE

26 ///

27 ///

28 ///

1
2 to be served on the interested parties in this action as follows:

3
4 Marc J. Derewetzky
mjd@trenklawfirm.com

5 Thomas Holden
tholden@trenklawfirm.com

6 TRENK, DIPASQUALE, DELLA, FERA &
7 SODONO, P.C.

8 1939 Harrison Street, Suite 711

9 Oakland, CA 94612

Telephone: 510-891-8687

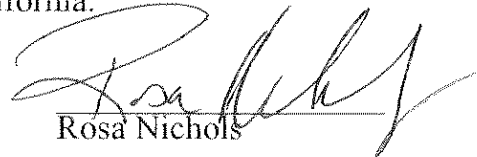
Facsimile: 510-891-8627

Counsel for Defendants,
AMERICAN HOME ASSURANCE
COMPANY and NATIONAL UNION
FIRE INSURANCE COMPANY OF
PITTSBURGH, PA.

10
11 BY CM/ECF: I caused such document(s) to be served electronically pursuant to the
12 United States Bankruptcy Court's Electronic Case Filing Program to be delivered
electronically to those parties who have registered to become an E-Filer.

13 I declare under penalty of perjury under the laws of the United States of America that
14 the foregoing is true and correct and that I am employed in the office of a member of the bar
of this Court at whose direction the service was made.

15 Executed on June 4, 2013 at San Diego, California.

16
17 
Rosa Nichols