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12 Attorneys for Plaintiff  
 13 TRIA Beauty, Inc.

14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**  
 16 **SAN FRANCISCO DIVISION**

17 TRIA BEAUTY, INC., a Delaware  
 18 corporation,

19 Plaintiff,

20 v.

21 NATIONAL FIRE INSURANCE  
 22 COMPANY OF HARTFORD, an Illinois  
 23 Company; TRAVELERS PROPERTY  
 24 CASUALTY COMPANY OF AMERICA, a  
 25 Connecticut Company; BEAZLEY  
 26 INSURANCE COMPANY, INC., a  
 27 Connecticut Company; and DOES 1-15,  
 28 inclusive,

Defendants.

CASE NO. CV-12-05465 WHA

Case Filed: October 22, 2012  
 Assigned to: The Hon. William H. Alsup  
 (Courtroom 8)

**STIPULATION AND ~~PROPOSED~~ ORDER  
 RE INITIAL CASE MANAGEMENT  
 CONFERENCE**

Current Initial Case Management Conference  
 Date: January 24, 2013

Requested Initial Case Management Conference  
 Date: January 31, 2013

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**IT IS HEREBY STIPULATED** by and between counsel for the parties that:

WHEREAS, lead counsel for plaintiff TRIA Beauty, Inc. has a previously-scheduled summary judgment hearing in another matter on the date set for the initial Case Management Conference (*see* Abelson Dec. ¶ 2);

WHEREAS, there have not been any previous time modifications for hearings or case management conferences in the case (*see* Abelson Dec. ¶ 3); and


WHEREAS, a one-week continuance will not impact the progress of the case (*see* Abelson Dec. ¶ 4);

NOW, THEREFORE, the parties, through their undersigned counsel, request the Court approve their stipulation as follows:

1. The initial Case Management Conference shall be continued from January 24, 2013 to January 31, 2013 or such date thereafter as is convenient for the Court; and
2. The Joint Case Management Statement shall be filed at least seven calendar days prior to the newly set date for the initial Case Management Conference.

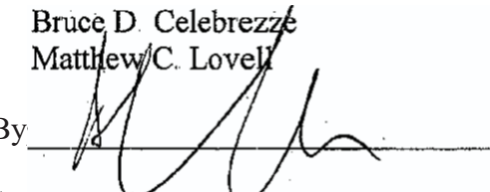
Dated: November 26, 2012

**ABELSON | HERRON LLP**  
Michael Bruce Abelson  
Vincent H. Herron  
Susan P. Welch

By   
\_\_\_\_\_  
Susan P. Welch  
Attorneys for Plaintiff  
TRIA Beauty, Inc.

Dated: November 24, 2012

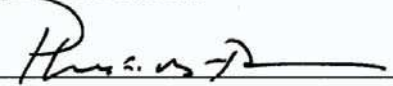
**SEDGWICK LLP**  
Bruce D. Celebrezze  
Matthew C. Lovell

By   
\_\_\_\_\_  
Attorneys for Defendant  
Travelers Property Casualty Company of America

1 Dated: November 25, 2012

**SHEPPARD MULLIN RICHTER &  
HAMPTON LLP**

Philip Atkins-Pattenson  
Arthur Friedman

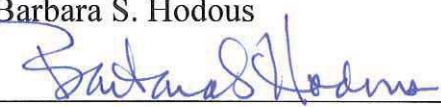
3 By 

4  
5 Attorneys for Defendant  
6 Beazley Insurance Company

7 Dated: November 28, 2012

**BERKES CRANE ROBINSON & SEAL LLP**

8 Steven M. Crane  
9 Barbara S. Hodous

10 By 

11 Attorneys for Defendant  
12 National Fire Insurance Company of Hartford

13 PURSUANT TO STIPULATION, IT IS SO ORDERED. The initial Case Management  
14 Conference shall be held on January 31, 2012, at 11:00 a.m.



1 **DECLARATION OF MICHAEL BRUCE ABELSON**

2 I, Michael Bruce Abelson, declare:

3 1. I am licensed to practice law in the State of California and am a partner with the  
4 firm of Abelson | Herron and lead counsel to TRIA Beauty, Inc. (TRIA), in this action. I have  
5 personal knowledge of the facts set forth below, and, if called as a witness, would testify to those  
6 facts.

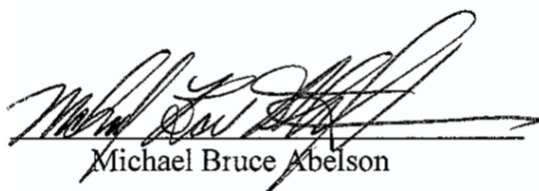
7 2. On October 18, 2012 (prior to the filing of this action), a summary judgment  
8 hearing was set for January 24, 2013 at 9:00 a.m. in Department 37 of the California Superior  
9 Court for the County of Los Angeles before Hon. Joanne B. O'Donnell. The matter is  
10 encaptioned *CalPortland Company v. Truck Insurance Exchange, et al.*, Case No. BC 455145. I  
11 am lead counsel for CalPortland in that matter and must be present to argue the summary  
12 judgment motion.

13 3. The initial Case Management Conference in this matter has not been previously  
14 continued, and there have been no other time modifications in this matter, other than an  
15 agreement to allow defendant Beazley Insurance Company, Inc. additional time to respond to the  
16 complaint while the parties address certain jurisdictional issues.

17 4. Continuing the initial Case Management Conference will not impact the schedule  
18 or progress of this matter. There are no other pending hearings or deadlines in this matter.

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

21 Dated: November 28<sup>th</sup>, 2012

22  
23 By:   
24 Michael Bruce Abelson

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**PROOF OF SERVICE**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION  
TRIA Beauty, Inc. v. National Fire Insurance Company of Hartford, et al.  
District Court Case No. C 12-05465 WHA**

I am over the age of 18 and not a party to the within action; I am employed by Abelson | Herron, LLP in the County of Los Angeles at 333 South Grand Avenue, Suite 1550, Los Angeles, California 90071-1559.

On November 28, 2012, I served the document below described as:

**STIPULATION AND [PROPOSED] ORDER RE INITIAL CASE MANAGEMENT CONFERENCE**

The document was served by the following means:

- × **BY ELECTRONIC TRANSMISSION VIA NEF** Pursuant to the Court’s General Order 10-07, I electronically filed the foregoing document through the Court’s CM/ECF system, which sent Notification of Electronic Filing to the persons at the e-mail addresses listed below.

Steven M. Crane, Esq. Counsel for Defendant  
Barbara S. Hodous, Esq. NATIONAL FIRE INSURANCE  
BERKES CRANE ROBINSON & SEAL LLP COMPANY OF HARTFORD  
515 South Figueroa Street, Suite 1500  
Los Angeles, California 90071  
E-mail: scrane@bcslaw.com  
E-mail: bhodous@bcslaw.com

Bruce D. Celebrezze, Esq. Counsel for Defendant  
Matthew C. Lovell, Esq. TRAVELERS PROPERTY  
SEDGWICK LLP CASUALTY COMPANY OF  
333 Bush Street, 30th Floor AMERICA  
San Francisco, California 94101-2834  
E-mail: bruce.celebrezze@sedgwicklaw.com  
E-mail: matthew.lovell@sedgwicklaw.com

- × **BY U.S. MAIL** I enclosed the document in a sealed envelope addressed to the persons at the address listed below and placed the sealed envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business’s practice for collecting and processing correspondence for mailing. On the said date, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

Philip F. Atkins-Pattenson, Esq. Counsel for Defendant  
Arthur J. Friedman, Esq. BEAZLEY INSURANCE  
SHEPPARD MULLIN RICHTER & HAMPTON LLP COMPANY, INC.  
Four Embarcadero Center, 17th Floor  
San Francisco, California 94111

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

3 Executed on November 28, 2012 at Los Angeles, California.

4 /s/ Susan P. Welch

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