

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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-06047-EMC

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) Defendants, American Home Assurance Company (“American Home”) and National Union Fire Insurance Company of Pittsburgh, PA (“National Union”) have filed a Motion to Dismiss and Alternative Motion to Stay Action Pending Arbitration, which is scheduled for hearing on March 14, 2013;
- (2) A Case Management Conference has also been set for this matter on March 14, 2013;
- (3) The parties desire a continuation of the Case Management Conference to allow Defendants’

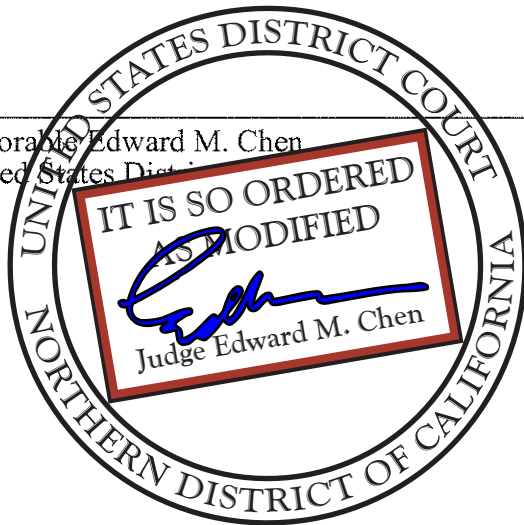
1 Motion to Dismiss and Alternative Motion to Stay Action Pending Arbitration to be resolved  
2 prior to engaging in work preparatory to, and appearing at, the Case Management Conference,  
3 in order to promote efficiency and to conserve judicial and party resources.  
4

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  
13  
14 **GOOD CAUSE APPEARING, IT IS SO ORDERED** . The CMC is reset to 4/25/13. A joint CMC  
15 statement shall be filed by 4/18/13.

16  
17 Honorable Edward M. Chen  
United States District Court



1 OLIVA & ASSOCIATES ALC  
Joseph L. Oliva, Esq., State Bar No. 113889  
2 Charles L. Fanning IV, Esq., State Bar No. 248704  
11770 Bernardo Plaza Court, Suite 350  
3 San Diego, California 92128  
Telephone: (858) 385-0491  
4 Facsimile: (858) 385-0499  
Email: [joliva@olivalaw.com](mailto:joliva@olivalaw.com)

5 Attorneys for Plaintiffs  
6 SWINERTON BUILDERS and  
SWINERTON INCORPORATED  
7

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

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

13 Plaintiffs,

14 v.

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

17 Defendants.

CASE NO. CV 12-06047 EMC

PROOF OF SERVICE

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

22 On March 1, 2013, I caused the following document(s) described as:

23 STIPULATION AND ORDER TO CONTINUE CASE MANAGEMENT  
24 CONFERENCE

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

26 Marc J. Derewetzky  
[mjd@trenklawfirm.com](mailto:mjd@trenklawfirm.com)

27 Thomas Holden

28 [tholden@trenklawfirm.com](mailto:tholden@trenklawfirm.com)

TRENK, DIPASQUALE, DELLA, FERA &

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

1 SODONO, P.C.  
2 1300 Clay Street, Suite 600  
3 Oakland, CA 946121  
4 Telephone: 510-466-6318  
5 Facsimile: 510-466-6319

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

9  US MAIL: I caused such document(s) to be deposited in the mail at San Diego,  
10 California. The document was mailed with postage thereon fully prepaid. I am readily  
11 familiar with this firm's practice of collection and processing or correspondence for mailing.  
12 Under that practice, it would be deposited with the United States Postal Service on that same  
13 day with postage thereon fully prepaid at San Diego, California in the ordinary course of  
14 business. I am aware that on motion  
15 of the party served, service is presumed invalid if postal cancellation date of postage meter  
16 date is more than one day after date of deposit for mailing in affidavit.

17  BY OVERNIGHT MAIL: I enclosed the document(s) described above in an envelope  
18 or package provided by an overnight delivery carrier and addressed to the person(s) at the  
19 address(es) listed above. I placed the envelope or package for collection and overnight  
20 delivery to an office or a regularly utilized drop box of the overnight delivery carrier.

21  BY ELECTRONIC MAIL: I caused the above document(s) to be personally  
22 delivered to the above-listed person(s) at the Email addresses(es) set forth above.

23  BY PERSONAL SERVICE: I caused the above document(s) to be personally  
24 delivered to the above-listed person(s) at the addresses(es) set forth above.

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

28 Executed on March 1, 2013 at San Diego, California

  
Rosa Nichols