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 9
 10 Attorneys for Defendant
 11 NORTH AMERICAN CAPACITY INSURANCE
 12 COMPANY

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

16 SOMPO JAPAN INSURANCE
 17 COMPANY OF AMERICA, a
 18 corporation,,

19 Plaintiff,

20 v.

21 ATAIN SPECIALTY INSURANCE
 22 COMPANY, fka USF INSURANCE
 23 COMPANY, a corporation, and
 24 NORTH AMERICAN CAPACITY
 25 INSURANCE COMPANY, a
 26 corporation,,

27 Defendants.

Case No.: C 12 6156 CRB

**REQUEST TO ALLOW
 TELEPHONIC APPEARANCE AT
 CASE MANAGEMENT
 CONFERENCE; and ORDER**

Date: January 11, 2013
 Time: 8:30 a.m.
 Dept.: Courtroom 6

Judge: Hon. Charles R. Breyer
 Complaint Filed: 12/4/12
 Trial Date: None set

28 Defendant, NORTH AMERICAN CAPACITY INSURANCE COMPANY (hereinafter "NAC") hereby requests that the court allow NAC's counsel to appear by telephonic conference call at the Case Management Conference currently set for January 11, 2013 at 8:30 a.m. This request is based on the following factors:

1. NAC did not receive timely notice of the Case Management Conference. The noticed was served only on Co-Defendant, ATAIN SPECIALTY INSURANCE COMPANY, fka USF INSURANCE COMPANY on or about December 12, 2012;
2. NAC was served with the Complaint on December 18, 2012, at which time NAC received constructive notice of the CMC hearing;
3. NAC's first appearance in this case was January 8, 2013;

1 4. Due to the timing of the service of the Complaint and the date of NAC's first appearance in this
2 matter, NAC was unable to comply with the Civil Local Rules regarding a seven (7) day advanced notice for a
3 request for telephonic appearance per Civil Local Rule 16-10.

4 5. Due to the timing of the service of the Complaint and the date of NAC's first appearance in this
5 matter, NAC was unable to comply with the initial disclosures and filing deadline for the Joint Case Management
6 Statement per Civil Local Rule 16 and Federal Rule of Civil Procedure 26; and

7 6. The distance and expense of travel from Southern California to the location of the CMC
8 hearing.

9 Matthew Morache, Esq. will be available by telephone at the scheduled
10 appearance time at the following number: (619) 231-8802, extension 425.

11
12 Dated: January 8, 2013

GRIMM, VRANJES & GREER LLP

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15 By: Matthew Morache
16 Mark Vranjes
17 Matthew Morache
18 Attorneys for Defendant
19 NORTH AMERICAN CAPACITY
20 INSURANCE COMPANY

21 IT IS SO ORDERED.

22 DATED: January 10, 2013

23 W:\Cases\2167557\PLD\ORD\01228135.DOCX

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Hon. Charles R. Breyer
IT IS SO ORDERED
CR
Judge Charles R. Breyer