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16 Attorneys for Defendant  
 ASSURANT, INC. and AMERICAN SECURITY INSURANCE CO.

18 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

20 PATRICK URSOMANO, GIOVANNI  
 CANONICO and URSULA CANONICO,  
 21 individually and on behalf of all others  
 similarly situated,

22 Plaintiffs,

23 v.

24 WELLS FARGO BANK, N.A., WELLS  
 25 FARGO INSURANCE, INC., ASSURANT,  
 26 INC., and AMERICAN SECURITY  
 INSURANCE COMPANY,

27 Defendants.  
 28

Case No. 3:13-cv-04381-EMC

**STIPULATION AND PROPOSED ORDER  
 TO MODIFY BRIEFING SCHEDULE;  
 DECLARATION OF PETER S. HECKER  
 IN SUPPORT OF SAME**

1 **STIPULATION TO MODIFY BRIEFING SCHEDULE**

2 Pursuant to Civil L.R. 7-12, 6-1(b) and 6-2, it is hereby stipulated by and between the  
3 parties, through their respective attorneys, that:

4 WHEREAS, defendants Assurant, Inc. and American Security Insurance Co.  
5 (collectively “ASIC”) on December 2, 2013 filed a motion to dismiss the First Amended  
6 Complaint (the “motion”) of plaintiffs Patrick Ursomano, Giovanni Canonico and Ursula  
7 Canonico (collectively “plaintiffs”);

8 WHEREAS, the hearing date on the motion was set for January 23, 2014;

9 WHEREAS, on December 4, 2013, the Court issued a text order [Dkt. No. 26] resetting  
10 the hearing date on the motion from January 23, 2014 to February 6, 2014.

11 WHEREAS, under the Local Rules, plaintiffs’ opposition to the motion is currently due  
12 on December 16, 2013, and ASIC’s reply is due December 23, 2013;

13 WHEREAS, to accommodate the upcoming holidays and to permit sufficient time to  
14 adequately brief the matter, ASIC proposed a modified briefing schedule such that plaintiffs’  
15 opposition papers would be due December 20, 2013 and ASIC’s reply papers would be due  
16 January 9, 2014;

17 WHEREAS, plaintiffs agreed to the proposed briefing schedule;

18 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT, subject to  
19 the Court’s approval:

- 20
- Plaintiffs shall file and serve their opposition to the motion on or before  
21 December 20, 2013;
  - ASIC shall file and serve its reply papers on or before January 9, 2014;
  - The hearing on the motion shall be on February 6, 2014 at 1:30 p.m.;
- 22  
23  
24  
25

26 **Filer's Attestation:** Pursuant to L.R. 5-1(i)(3), Peter S. Hecker hereby attests that concurrence  
27 by all signatories in the filing of this document has been obtained.  
28

1 Dated: December 4, 2013

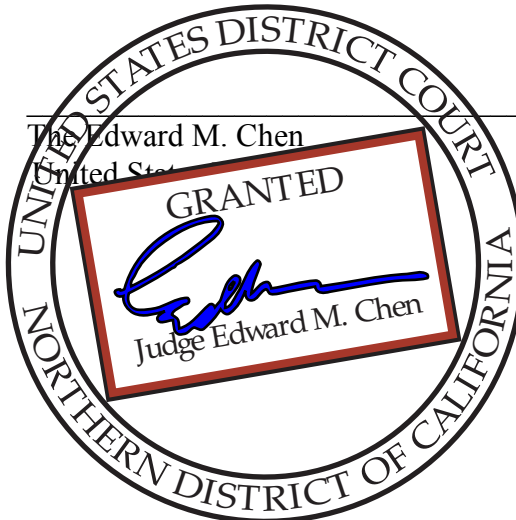
/s/ Peter S. Hecker  
Peter S. Hecker  
SHEPPARD MULLIN RICHTER & HAMPTON LLP  
Attorneys for Defendants Assurant Inc. and American  
Security Insurance Co.

2  
3  
4  
5 Dated: December 4, 2013

/s/ Peter A. Muhic  
Peter A. Muhic  
KESSLER TOPAZ MELTZER & CHECK LLP  
Attorneys for Plaintiffs Patrick Ursomano, Giovanni  
Canonico and Ursula Canonico

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7  
8  
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10  
11 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

12 Dated: December<sup>5</sup>, 2013



1 **DECLARATION OF PETER S. HECKER**

2 I, Peter S. Hecker, declare:

3 1. I am an attorney duly admitted to practice before this Court. I am a partner with  
4 the law firm of Sheppard Mullin Richter & Hampton, LLP, counsel for defendants Assurant, Inc.  
5 and American Security Insurance Co. in this case (collectively "ASIC"). I have personal  
6 knowledge of the facts set forth below.

7 2. As set forth in the above stipulation, plaintiffs Patrick Ursomano, Giovanni  
8 Canonico and Ursula Canonico (collectively "plaintiffs") have stipulated that plaintiffs shall file  
9 and serve their opposition to ASIC's motion to dismiss (the "motion") on or before December  
10 20, 2013; ASIC shall file and serve its reply papers on or before January 9, 2013; and the hearing  
11 on the motion shall be on February 6, 2014.

12 3. The reason for the requested extension is to accommodate the upcoming holidays  
13 and the schedules of counsel, and to permit sufficient time to adequately brief the matter.

14 4. The parties have not previously stipulated to any calendar modifications.

15 5. Due to the minimal nature of the stipulated extensions, and because the Court-  
16 ordered hearing date on the motion will remain unchanged, I believe that the requested  
17 extensions will not have any significant impact on the schedule for the case.

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

20 Executed this fourth day of December 2013 at San Francisco, California.

21  
22 */s/ Peter S. Hecker*

23 \_\_\_\_\_  
PETER S. HECKER