I			
1	SHEPPARD, MULLIN, RICHTER & HAMPTON LLP		
2	A Limited Liability Partnership Including Professional Corporations		
3	PETER S. HECKER (Bar No. 66159) phecker@sheppardmullin.com		
4	DAVID E. SNYDER (Bar No. 262001) dsnyder@sheppardmullin.com		
5	Four Embarcadero Center Seventeenth Floor		
6	San Francisco, California 94111-4109 Telephone: (415) 774-3155		
7	Facsimile: (415) 403-6224		
8	FRANK G. BURT (<i>pro hac vice</i>) fburt@cfjblaw.com		
9			
10	BRIAN P. PERRYMAN (pro hac vice)		
11	reuliss@cfjblaw.com CARLTON FIELDS JORDEN BURT, P.A. 1025 Thomas Jefferson Street, NW Suite 400 East Washington, DC 20007-0805 Telephone: (202) 965-8100 Facsimile: (202) 965-8104		
12			
13			
14			
15			
16	Attorneys for Defendant ASSURANT, INC. and AMERICAN SECURITY INSURANCE COMPANY		
17			
18	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA		
19			
20 21	PATRICK URSOMANO, GIOVANNI CANONICO and URSULA CANONICO, individually and on behalf of all others	Case No. 3:13-cv-04381-EMC	
21	similarly situated,		
23	Plaintiffs,	STIPULATION AND PROPOSED ORDER ESTABLISHING BRIEFING SCHEDULE	
24	v.	ON DEFENDANTS' MOTION TO STAY; DECLARATION OF PETER S. HECKER	
25	WELLS FARGO BANK, N.A.; WELLS FARGO INSURANCE, INC.; ASSURANT,	IN SUPPORT OF SAME	
26	INC.; and AMERICAN SECURITY INSURANCE COMPANY,		
27	Defendants.		
28	SMRH:417443012.1]	
	3:13-cv-04381-EM STIPULATION AND PROPOSED ORDER ESTABLISHING BRIEFING SCHEDULI DECLARATION IN SUPPOR		

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 on February 7, 2014 filed a motion to stay these proceedings,		
5	along with a motion to shorten time on the motion to stay;		
6 7	WHEREAS, the Court indicated it plans to consider the motion to stay on an expedited		
8	basis;		
9			
10	WHEREAS, the parties have agreed that, subject to the Court's approval, the briefing		
11	shall proceed on an expedited basis;		
12	NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT, subject to		
13	the Court's approval:		
14	• Plaintiffs shall file and serve their opposition to defendants' stay motion on or		
15	before February 12, 2014;		
16	• Defendants shall file and serve their reply papers on or before February 14, 2014;		
17 18	• The motion shall be considered at the earliest convenient date by the Court.		
10			
20	Filer's Attestation: Pursuant to L.R. 5-1(i)(3), Peter S. Hecker hereby attests that		
21			
22	concurrence by all signatories in the filing of this document has been obtained.		
23			
24	////		
25	////		
26	////		
27 28	////		
20	-1-		
	SMRH:414227320.1 3:13-cv-04381-EMC STIPULATION AND PROPOSED ORDER ESTABLISHING BRIEFING SCHEDULE; DECLAR ATION IN SUPPORT		
	DECLARATION IN SUPPORT		

1 2	Dated: February 11, 2014	<u>/s/ Peter S. Hecker</u> Peter S. Hecker SHEPPARD MULLIN RICHTER & HAMPTON LLP
3		Attorneys for Assurant, Inc. and American Security Insurance Company
4	Dated: February 11, 2014	<u>/s/ Peter A. Muhic</u>
5	Dated. Febluary 11, 2014	Peter A. Muhic
6		KESSLER TOPAZ MELTZER & CHECK LLP Attorneys for Plaintiffs Patrick Ursomano, Giovanni
7		Canonico and Ursula Canonico
8 9	Dated: February 11, 2014	<u>/s/ Philip Barilovits</u> Philip Barilovits
10		SEVERSON & WERSON Attorneys for Wells Fargo Bank, N.A. and Wells
11		Fargo Insurance, Inc.
12		
13		
14	PURSUANT TO STIPULATION, IT IS SO ORDERED.	
15	10	TES DISTRICT
16	Dated: February, 2014	STATE C.
17		The Honorable Edward Meth
18		United C IT IS SO ORDERED
19 20		Z Judge Edward M. Chen
20		Judge Edward
21 22		
22		DISTRICT OF CO
24		
25		
26		
27		
28		
_0		-2-
	SMRH:414227320.1	3:13-cv-04381-EMC STIPULATION AND PROPOSED ORDER ESTABLISHING BRIEFING SCHEDULE; DECLARATION IN SUPPORT

DECLARATION OF PETER S. HECKER

I, Peter S. Hecker, declare:

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

7 2. As set forth in the above stipulation, plaintiffs Patrick Ursomano, Giovanni Canonico and Ursula Canonico (collectively "plaintiffs") have stipulated that plaintiffs shall file and serve their opposition to defendants' motion to stay (the "motion") on or before February 12, 10 2014; defendants shall file and serve their reply papers on or before February 14, 2014; and consideration of the motion shall be at the earliest convenience of the Court.

Previous time modifications in this case include:

- On December 4, 2013, the Court continued a Case Management Conference and the hearing on the ASIC's motion to dismiss. (ECF No. 26)
- On December 5, 2013, the parties stipulated to extend Plaintiffs' time to respond to ASIC's motion to dismiss and ASIC's time to reply. (ECF No. 28)
- On December 12, 2013, the parties stipulated to extend Wells Fargo's time to respond to the First Amended Class Action Complaint. (ECF No. 29)
- On January 23, 2014, the Court continued a Case Management Conference and • the hearing on Defendants' motions to dismiss. (ECF No. 40)

4. Due to the minimal nature of the stipulated shortening of time, I believe that the requested extensions for consideration of the stay motion will not have any significant impact on the schedule for the case.

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

Executed this 11th day of February 2014 at San Francisco, California.

1

2

3

4

5

6

8

9

3.

SMRH:414227320.1

