

1 MORGAN, LEWIS & BOCKIUS LLP  
 PAUL A. ZEVNIK, State Bar No. 75343  
 2 JEFFREY S. RASKIN, State Bar No. 169096  
 PETER F. McAWEEENEY, State Bar No. 148245  
 3 MORGAN, LEWIS & BOCKIUS LLP  
 One Market, Spear Street Tower  
 4 San Francisco, California 94105-1126  
 Tel: 415.442.1000  
 5 Fax: 415.442.1001  
 E-mail: [pzevnik@morganlewis.com](mailto:pzevnik@morganlewis.com)  
 6 [jraskin@morganlewis.com](mailto:jraskin@morganlewis.com)  
[pmcaweeney@morganlewis.com](mailto:pmcaweeney@morganlewis.com)  
 7

8 Attorneys for Plaintiffs  
 D. CUMMINS CORPORATION and D. CUMMINS  
 HOLDING LLC  
 9

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION  
 13

14 D. CUMMINS CORPORATION, formerly  
 known as VALLEY ASBESTOS COMPANY,  
 15 a California corporation, and D. CUMMINS  
 HOLDING LLC, a Delaware limited liability  
 16 company,

17 Plaintiffs,

18 vs.

19 UNITED STATES FIDELITY AND  
 GUARANTY COMPANY, UNITED STATES  
 20 FIRE INSURANCE COMPANY, and DOES  
 1-100,

21 Defendants.  
 22

Case No. 3:14-cv-00935-SC

**STIPULATED REQUEST FOR ORDER  
 CHANGING DATES**

[28 U.S.C. § 1147]

Courtroom: 1, 17th Floor  
 Judge: Hon. Samuel Conti

Date of Filing: January 23, 2014  
 Trial Date: Not Yet Set

1 Plaintiffs D. Cummins Corporation and D. Cummins Holding LLC (“D. Cummins”) and  
2 Defendants United State Fidelity and Guaranty Company (“USF&G”) and United State Fire  
3 Insurance Company (“U.S. Fire”) (collectively “the Parties”), by and through their respective  
4 undersigned attorneys of record, do hereby make the following Stipulated Request for Order  
5 Changing Dates (“Stipulated Request”).

6 On March 25, 2014, the Court issued a Clerk’s Notice Scheduling Case Management  
7 Conference on Reassignment, setting an Initial Case Management Conference in this case for  
8 June 20, 2014. The setting of the Initial Case Management Conference triggered certain pre-June  
9 20, 2014 reporting and disclosure requirements and deadlines for the Parties under the Federal  
10 Rules of Civil Procedure and the Court’s Local Rules.

11 On March 31, 2014, D. Cummins filed a Motion for Remand requesting the Court to  
12 remand this case to state court. USF&G and U.S. Fire have opposed that motion. The hearing on  
13 the Motion for Remand is set for May 30, 2014. If the Motion for Remand is granted by the  
14 Court, the case will be remanded to state court and the above-referenced reporting and disclosure  
15 requirements and deadlines will be rendered moot.

16 The Parties seek to avoid the potentially unnecessary expenditure of resources in  
17 complying with the above-referenced reporting and disclosure requirements and deadlines in the  
18 event this case is remanded to state court. The Parties therefore request that the Court defer the  
19 Initial Case Management Conference, along with all related reporting and disclosure requirements  
20 and deadlines, for at least 30 days, and reschedule the Initial Case Management Conference for  
21 late July or later. This will give the Parties sufficient time to comply with the reporting and  
22 disclosure requirements and deadlines in the event the Motion for Remand is denied, but will also

23 //

24 //

25 //

26 //

27 //

28 //

1 prevent the unnecessary expenditure of resources by the Parties in the event the Motion for  
2 Remand is granted.

3 SO STIPULATED.

4 Dated: May 9, 2014

MORGAN, LEWIS & BOCKIUS LLP  
PETER F. McAWENEY

7 By /s/ Peter F. McAweeney  
8 PETER F. McAWENEY  
9 Attorneys for Plaintiffs  
D. CUMMINS CORPORATION and D.  
CUMMINS HOLDING LLC

10 Dated: May 9, 2014

NICOLAIDES FINK THORPE  
MICHAELIDES SULLIVAN LLP  
SARA M. THORPE

13 By /s/ Sara M. Thorpe  
14 SARA M. THORPE  
15 Attorneys for Defendant  
UNITED STATE FIRE INSURANCE  
COMPANY

16 Dated: May 9, 2014

DENTONS US LLP  
SUSAN MICHELE WALKER

19 By /s/ Susan Michele Walker  
20 SUSAN MICHELE WALKER  
21 Attorneys for Defendant  
UNITED STATE FIDELITY AND  
GUARANTY COMPANY

22 PURSUANT TO STIPULATION, IT IS SO ORDERED, AS FOLLOWS:

23 The Initial Case Management Conference is rescheduled for Aug. 8, 2014, and all  
24 related reporting and disclosure requirements and deadlines under the Federal Rules of Civil  
25 Procedure and the Court's Local Rules are adjusted accordingly.

26 Dated: 05/12/2014

27 Honorable Samuel Conti  
28 United States District Court

