

1 Jonathan Gross, State Bar No. 122010  
 2 kgross@moundcotton.com  
 3 Sheila Addiego, State Bar No. 168365  
 4 saddiego@moundcotton.com  
 5 MOUND COTTON WOLLAN & GREENGRASS  
 1900 Powell Street, Suite 600  
 Emeryville, California 94608  
 Telephone: (510) 900-9371  
 Facsimile: (510) 900-9381

6 Attorneys for Defendant  
 7 ZURICH AMERICAN INSURANCE COMPANY

8  
 9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11  
 12 RANDY STEVENS, et al.,

13 Plaintiffs,

14 v.

15 ZURICH AMERICAN INSURANCE  
 16 COMPANY,

17 Defendant.

Case No. 3:14-cv-02043-SC

**STIPULATION AND ~~PROPOSED~~  
 SCHEDULING ORDER**

Honorable Samuel Conti  
 Dept: Ctrm. 1, 17<sup>th</sup> Floor  
 Trial Date: None

18 **I. STIPULATION**

19 Come now the undersigned parties, by and through their respective counsel of record, and  
 20 hereby stipulate as follows:

21 1. Defendant Zurich American Insurance Company served its First Set of Requests for  
 22 Production of Documents on Plaintiffs on August 8, 2014, the first day authorized for service of  
 23 discovery under Rule 26(d)(1).

24 2. Pursuant to F.R.C.P. 34, Plaintiffs' written responses and production of documents  
 25 were due on Friday, September 12, 2014.

26 3. Due to unforeseen circumstances, including the Napa earthquake, the medical  
 27 condition of Plaintiffs' counsel and technical complications associated with the actual production  
 28 of documents, the documents were not timely produced.

1 4. No documents were produced until Plaintiffs began a rolling production of  
2 approximately 10,000 pages of documents on October 30, 2014. Plaintiff has advised that  
3 additional responsive documents may be forthcoming.

4 5. Depositions of key witnesses and Plaintiff Randy Stevens were set by Defendant for  
5 November 20, December 5 and December 8, 2014. Because Defendant now requires additional  
6 time to review the newly produced 10,000 pages of documents prior to conducting these  
7 depositions, the currently set deposition dates must be postponed.

8 6. The deposition testimony of those witnesses is necessary for both parties Motions  
9 for Summary Judgment, currently set to be filed on January 16, 2015 pursuant to this Court's  
10 September 3, 2014 Scheduling Order.

11 7. Therefore, the parties stipulate to the following new Scheduling Order for Cross-  
12 Motions for Summary Judgment pursuant to the Clerk's Notice Vacating Case Management  
13 Conference dated August 6, 2014:

14	<b>March 12, 2015</b>	Last Day for Plaintiff and Defendant to File Motions for Summary Judgment
15	<b>March 26, 2015</b>	Last Day for Plaintiff and Defendant to File Oppositions to Motions for Summary Judgment
16	<b>April 2, 2015</b>	Last Day for Plaintiff and Defendant to File Replies to Motions for Summary Judgment
17	<b>April 17, 2015</b>	Hearing on Plaintiff's and Defendant's Motions for Summary Judgment

19  
20 Dated: November 14, 2014

/s/ Vincent Spohn  
Vincent M. Spohn, APC  
1005 Jefferson Street  
PO Box 5748  
Napa, CA 94581  
Attorney for Randy Stevens, Elissa Stevens, dba  
Flamingo Properties

21  
22  
23  
24  
25 Dated: November 17, 2014

/s/ Jonathan Gross  
Jonathan Gross  
Sheila Addiego  
MOUND COTTON WOLLAN & GREENGRASS  
1900 Powell Street, Suite 600  
Emeryville, CA 94608  
Attorneys for Zurich American Insurance Company

MOUND COTTON WOLLAN & GREENGRASS  
1900 POWELL STREET SUITE 600  
EMERYVILLE, CALIFORNIA 94608  
TELEPHONE: (510) 900-9371 FACSIMILE: (510) 900-9381

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

**II. ORDER**

HAVING COME before the court on the above Stipulation and Order, the parties' proposed Scheduling Order is hereby adopted by this Court.

Dated: 11/19/2014

Honorable Samuel Conti

