| 1 | MARJIE D. BARROWS (State Bar No. 122129) | | | | |
|----|---|---------------------------------|--|--|--|
| 2 | KATHLEEN M. DeLANEY (State Bar No. 1963 FORAN GLENNON PALANDECH | 376) | | | |
| 3 | PONZI & RUDLOFF PC 2000 Powell Street, Suite 900 | | | | |
| 4 | Emeryville, CA 94608 Telephone: (510) 740-1500 | | | | |
| 5 | Facsimile: (510) 740-1501 | 1 | | | |
| 6 | Attorneys for Defendant TRAVELERS CASUA INSURANCE COMPANY OF AMERICA | LIY | | | |
| 7 | | | | | |
| 8 | UNITED STATES DISTRICT COURT | | | | |
| 9 | NORTHERN DISTRICT OF CALIFORNIA | | | | |
| 10 | | | | | |
| 11 | PHO THANH PHAT, INC. dba PHO LEE HOA PHAT, | 3:14-CV-03822- | LB | | |
| 12 | Plaintiff, | | NAND P ROPOSED ONTINUE INITIAL | | |
| 13 | VS. | CASE MANAGEMENT CONFERENCE | | | |
| 14 | VS. TRAVELERS CASUALTY INSURANCE | CONFERENCE | | | |
| 15 | COMPANY OF AMERICA, AND DOES 1 TO 10, | Complaint filed: Trial Date: | March 6, 2014 Not Yet Set | | |
| 16 | Defendants. | | | | |
| 17 | / | 1 | | | |
| 18 | Defendant TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA | | | | |
| 19 | ("Defendant" or "Travelers") and Plaintiff PHO THANH PHAT, INC. dba PHO LEE HOA PHAT | | | | |
| 20 | ("Plaintiff"), by and through their attorneys of record, stipulate as follows: | | | | |
| 21 | 1. The Court has set an Initial Case I | Management Conferen | ce in this matter for | | |
| 22 | November 20, 2014. | | | | |
| 23 | 2. Counsel for Plaintiff has indicated | d that Plaintiff intends | to amend its complaint in | | |
| 24 | this matter. | | | | |
| 25 | 3. In addition, the parties are interested in entering into confidential settlement | | | | |
| 26 | discussions in an attempt to informally resolve this matter. | | | | |
| 27 | 4. Therefore the parties request that the Initial Case Management Conference in this | | | | |
| 28 | matter be continued for at least sixty (60) days to allow the parties to attempt to informally resolve -1 - | | | | |
| | -1- STIPULATION AND PROPOSED ORDER TO CONTINUE INITIAL CMC CASE NO. 3:14-CV-03822-LB | | | | |

FORAN GLENNON PALANDECH PONZI & RUDLOFF PC ATTORNEYS AT LAW 2000 POWELL STREET, SUITE 900 EMERYVILLE, CALIFORNIA 94608 (510) 740-1500

Dockets.Justia.com

| 1 | this matter, and, if necessary, for Plaintiff to amend its complaint. | | |
|----|---|--|--|
| 2 | 5. There have been no prior requests for a continuance on this Case Management | | |
| 3 | Conference. | | |
| 4 | NOW, THEREFORE, by and through their undersigned counsel of record, Defendant | | |
| 5 | TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA and Plaintiff PHO | | |
| 6 | THANH PHAT, INC. dba PHO LEE HOA PHAT hereby stipulate to the following: | | |
| 7 | 1. The date for the Initial Case Management Conference in this matter shall be continued | | |
| 8 | from November 20, 2014 to January 29, 2014 at 11:00 a.m. in Courtroom C. | | |
| 9 | 2. The last day to file Rule 26(f) Report, complete initial disclosures or state objection in | | |
| 10 | Rule 26(f) Report and file Case Management Statement shall be continued to January | | |
| 11 | 22, 2015. | | |
| 12 | | | |
| 13 | DATED: November 12, 2014 FORAN GLENNON PALANDECH | | |
| 14 | PONZI & RUDLOFF PC | | |
| 15 | | | |
| 16 | By: <u>/s/ Marjie D. Barrows</u> Marjie D. Barrows | | |
| 17 | Kathleen M. DeLaney | | |
| 18 | Attorneys for Defendant TRAVELERS CASUALTY INSURANCE COMPANY OF | | |
| 19 | AMERICA | | |
| 20 | | | |
| 21 | | | |
| 22 | DATED: November 12, 2014 VU S.A. LAW OFFICES, APC | | |
| 23 | | | |
| 24 | By: <u>/s/ Michael C. Vu</u> Michael Chinh Vu | | |
| 25 | Attorney for Plaintiff PHO THANH PHAT, INC. | | |
| 26 | dba PHO LEE HOA PHAT | | |
| 27 | | | |
| 28 | -2- | | |
| | STIPULATION AND PROPOSED ORDER TO CONTINUE INITIAL CMC CASE NO. 3:14-CV-03822-LB | | |

FORAN GLENNON PALANDECH PONZI & RUDLOFF PC ATTORNEYS AT LAW 2000 POWELL STREET, SUITE 900 EMERYVILLE, CALIFORNIA 94608 (510) 740-1500

| 1 | [PROPOSED] ORDER | | |
|----|--|----|--|
| 2 | 1. The date for the Initial Case Management Conference in this matter is continued fro | m | |
| 3 | November 20, 2014 to January 29, 2014 at 11:00 a.m. in Courtroom C. | | |
| 4 | 2. The last day to file Rule 26(f) Report, complete initial disclosures or state objection | in | |
| 5 | Rule 26(f) Report and file Case Management Statement is continued to January 22, | | |
| 6 | 2015. | | |
| 7 | IT IS SO ORDERED. | | |
| 8 | | | |
| 9 | DATED: November 13 , 2014 | | |
| 10 | I IRC | | |
| 11 | By: : HON. LAUREL BEELER | | |
| 12 | U.S. DISTRICT JUDGE | | |
| 13 | | | |
| 14 | | | |
| 15 | | | |
| 16 | | | |
| 17 | | | |
| 18 | | | |
| 19 | | | |
| 20 | | | |
| 21 | | | |
| 22 | | | |
| 23 | | | |
| 24 | | | |
| 25 | | | |
| 26 | | | |
| 27 | | | |
| 28 | 2 | | |
| | -3- STIPULATION AND PROPOSED ORDER TO CONTINUE INITIAL CMC CASE NO. 3:14-CV-03822-LB | | |

| | 1 | | PROOF OF SERVICE BY UNITED STATES MAIL |
|----------------|----------|--------|---|
| | 2 | | Pho Thanh Phat, Inc. vs. Travelers Casualty Insurance Company of America, et al. |
| | 3 | | Contra Costa Superior Court – Case No. C 14-00462 |
| | 4 | | I, Janice Bocage, declare: |
| | 5 | 1. | At the time of service, I was over 18 years of age and not a party to this action. |
| | 6 | 2. | My business address is Foran Glennon Palandech Ponzi & Rudloff PC, 2000 Powell Street, Suite 900, Emeryville, California 94608. |
| | 7 8 | 3. | On November 13, 2014, I served the attached documents, entitled STIPULATION AND PROPOSED ORDER TO CONTINUE INITIAL CASE MANAGEMENT CONFERENCE. |
| | 9 | 4. | I served the documents on the person or persons below, as follows: |
| | 10 | | Attorneys for Plaintiff Pho Thanh Phat, Inc. dba Pho Lee Hoa Phat |
| | 11 | | Michael Chinh Vu, Esq. Vu. S.A. Law Offices, APC |
| | 12 | | 142 East Mission Street |
| | 13 | | San Jose, CA 95112 |
| 0 | 14 | 5. | The documents were served by United States mail. I enclosed the documents in a sealed |
| | 15 | | envelope(s) or package(s) addressed to the person(s) at the address(es) in item 4 above and placed the envelope(s) for collection and mailing, following our ordinary business |
| (510) 740-1500 | 16 17 | 5 | practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. |
| (51 | 18 | | I declare under penalty of perjury under the laws of the State of California that the |
| | 19 | forego | ing is true and correct. |
| | 20 | Dated | |
| | | | Janice Bocage (SIGNATURE OF DECLARANT) |
| | 21 | | (SIGNATURE OF DECLARANT) |
| | 22 | | |
| | 23 | | |
| | 24 | | |
| | 25 | | |
| | 26 | | |
| | 27 | | · · · |
| | 28 | | 2 3 |
| | | | PROOF OF SERVICE – CIVIL |
| | 1 | I | (BY UNITED STATES MAIL - CASE NO. C 14-00462) |

FORAN GLENNON PALANDECH PONZI & RUDLOFF PC ATTORNEYS AT LAW 2000 POWELL STREET, SUITE 900 EMERYVILLE, CALIFORNIA 94608