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11 Attorneys for Defendants
 12 ARMORY STUDIOS, LLC, a California limited liability company;
 13 PETER ACWORTH, an individual

14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**

16 ATAIN SPECIALTY INSURANCE
 17 COMPANY, a Michigan corporation,

18 Plaintiff,

19 v.

20 ARMORY STUDIOS, LLC, a California
 21 limited liability company; PETER
 22 ACWORTH, an individual,

23 Defendants.

Case No.: 15-cv-05124-JD

**STIPULATION AND [PROPOSED]
 ORDER SETTING CASE
 MANAGEMENT CONFERENCE
 AND OTHER FILING DATES**

The Honorable James Donato

24 This Stipulation and [Proposed] Order is filed by Plaintiff Atain Specialty
 25 Insurance Company and Defendants Armory Studios, LLC and Peter Acworth,
 26 through their respective counsel of record. The purpose of this Stipulation and
 27 Proposed Order is to request that the Court set an Initial Case Management
 28 Conference, along with the required pre Conference filings, to replace those matters
 which were originally set, but vacated, when this case was reassigned.

This action was filed on November 9, 2015. The case was originally
 assigned to Magistrate Judge Maria-Elena James. Magistrate Judge James issued
 an Initial Case Management Scheduling Order with ADR Deadlines (Docket # 5)
 on November 9, 2015. Plaintiff Atain Specialty Insurance Company then filed a

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1 Declination to Proceed Before U.S. Magistrate Judge (Docket # 7) on November
2 16, 2015. The case was reassigned to Judge James Donato by Order dated
3 November 17, 2015 (Docket # 9). The reassignment Order provides, in part, that
4 “[A]ll dates presently scheduled are vacated and motions should be renoticed for
5 hearing before the judge to whom the case has been reassigned. Briefing schedules,
6 ADR compliance deadlines, and other case deadlines remain unchanged.”

7 Defendants Armory Studios, LLC and Peter Acworth filed a motion to
8 dismiss the action, under FRCP 12(b)(1), or alternatively, to stay the action, on
9 January 19, 2016 (Docket # 12-14) . The hearing on that motion is set for February
10 24, 2016.

11 The original Initial Case Management Scheduling Order set the Initial Case
12 Management Conference for February 11, 2016, and also set the last day to file the
13 Rule 26(f) Report, and to complete initial disclosures, for February 4, 2016. The
14 parties read this Court’s reassignment Order as vacating the February 11 Initial
15 Case Management Conference, as well as the February 4 deadline for filing the
16 Rule 26(f) Report and completion of the initial disclosures. However, it does not
17 appear that any new dates have been set by the Court to replace those that were
18 vacated by the Court’s November 17, 2015 Order.

19 The parties believe that Court economy supports that the Case Management
20 Conference, and the deadlines for filing the Rule 26(f) Report, and to complete the
21 initial disclosures, be set on dates after the Court rules on the Motion to Dismiss or
22 Stay. If the Court grants the Motion and dismisses the action, no further
23 proceedings will be necessary. If the Court grants the Motion and stays the action,
24 again, no further proceedings will be necessary until the stay is lifted in the future.
25 In either case, the Court and the parties will have spent time in connection with the
26 Case Management Conference, and associated filings, which could have been
27 avoided had the Conference and deadlines been set after the ruling on the motion.
28

1 If the Court denies the Motion to Dismiss or Stay, the Case Management
2 Conference can take place thereafter (with the associated filings due in advance).

3 Accordingly, the parties respectfully request that the Court (1) set the Case
4 Management Conference on a date after February 24, 2016, and (2) set the filing
5 deadline for the Rule 26(f) Report and the completion date for the initial disclosures
6 on a date after February 24, 2016, but before the Case Management Conference
7 date.

8 **IT IS SO STIPULATED.**

9 Dated: January 21, 2016 ABBEY, WEITZENBERG, WARREN & EMERY

11 By: /s/ Mitchell B. Greenberg
12 MITCHELL B. GREENBERG
13 Attorneys for Defendants,
14 ARMORY STUDIOS, LLC, a
15 California limited liability company;
16 PETER ACWORTH, an individual

17 Dated: January 21, 2016 ARCHER NORRIS

18 By: /s/ GailAnn Y. Stargardter
19 GAILANN Y. STARGARDTER
20 ANDREW JAMES KING
21 Attorneys for Plaintiff,
22 ATAIN SPECIALTY INSURANCE
23 COMPANY, a Michigan corporation

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ORDER

Pursuant to the Stipulation of the parties, the Court orders that:

1. The parties' Initial Case Management Conference is set for March 16, 2016 at 1:30 p.m. in Courtroom 11, 19th Floor, Philip Burton Federal Building, 450 Golden Gate Ave., San Francisco, CA 94102.

2. The last day to file the Rule 26(f) Report, complete initial disclosures, and file a Joint Case Management Statement is March 9, 2016.

Dated: January 29, 2016



James Donato, U.S. District Judge