

LEWIS BRISBOIS BISGAARD & SMITH LLP

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Attorneys for Third Party Defendant MARK
DAVIS INSURANCE AGENCY, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

COLONY INSURANCE COMPANY, a
Virginia corporation,

Plaintiff,

vs.

DAVID A FOWLER, a California citizen and
DANIEL GATLEY, a California citizen doing
business as GATLEY GUNSMITHING,

Defendants.

CASE NO. 3:15-cv-05184-EMC

**JOINT STIPULATION and [PROPOSED]
ORDER TO EXTEND TIME FOR THIRD
PARTY DEFENDANT MARK DAVIS
INSURANCE AGENCY, INC.'S TO
ANSWER OR OTHERWISE RESPOND
TO THE THIRD PARTY COMPLAINT
FOR INDEMNITY**

Trial Date: None Set

DAVID A FOWLER,

Third Party Plaintiff,

vs.

MARK DAVIS INSURANCE AGENCY,
INC.,

Third Party Defendant.

Third Party Defendant MARK DAVIS INSURANCE AGENCY, INC. ("MARK DAVIS
INSURANCE") and Third Party Plaintiff DAVID A. FOWLER ("FOWLER") (collectively
referred to as the "Parties") by and through their undersigned counsel hereby Stipulate and agree
as follows:

1 1. MARK DAVIS INSURANCE'S responsive pleading to FOWLER'S Third Party
2 Complaint was due on or about Friday, March 25, 2016.

3 2. The law firm of Lewis Brisbois Bisgaard & Smith LLP has very recently been
4 retained to represent MARK DAVIS INSURANCE in this matter.

5 3. At the earliest possible time, counsel for MARK DAVIS INSURANCE contacted
6 counsel for FOWLER to notify him of the retention and ask for an extension of time to review and
7 evaluate the Third Party Complaint and to file a responsive pleading in this matter for MARK
8 DAVIS INSURANCE.

9 4. Counsel for MARK DAVIS INSURANCE and FOWLER have met and conferred
10 and have agreed to a brief extension of time for MARK DAVIS INSURANCE to file a responsive
11 pleadings to the Third Party Complaint.

12 5. The Parties have agreed to a twenty-one (21) day extension from the date of their
13 telephone discussion on April 1, 2016 to allow MARK DAVIS INSURANCE to respond to the
14 Third Party Complaint. Therefore, the Parties have agreed that MARK DAVIS INSURANCE will
15 file and serve a responsive pleading in this matter on or before **Friday, April 22, 2016**.

16 6. The brief extension will allow counsel for MARK DAVIS INSURANCE to review
17 and evaluate the allegations of the Third Party Complaint and the original Complaint in this action
18 and confer with their client regarding a defense of this matter, including preparing a responsive
19 pleading.

20 7. The Parties hope to avoid burdening the Court with unnecessary motion practice by
21 way of this brief extension.

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28 4849-8650-8591.1

1 THEREFORE, based on the good cause shown above, it is STIPULATED and AGREED
2 that Third Party Defendant MARK DAVIS INSURANCE AGENCY, INC. shall have until April
3 22, 2016 to respond to the Third Party Complaint of Third Party Plaintiff DAVID A. FOWLER.
4 The filer attests under Civil Local Rule 5-1(i)(3) that concurrence in the filing of the document
5 has been obtained from each of the other signatories.

6
7 DATED: April 1, 2016

FOWLER AND BALL

8
9 By: *Robert A. Fowler*
10 Robert A. Fowler
11 Attorneys for Third Party Plaintiff
12 David A. Fowler

13 DATED: April 1, 2016

LEWIS BRISBOIS BISGAARD & SMITH LLP

14
15 By: */s/ Stephen C. Ubl*
16 Alex A. Graft
17 Stephen C. Ubl
18 Attorneys for Third Party Defendant
MARK DAVIS INSURANCE AGENCY, INC.

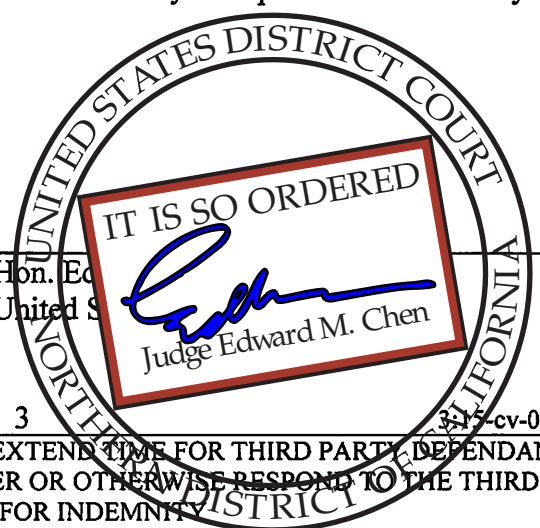
19 **PURSUANT TO THE FOREGOING STIPULATION OF THE PARTIES:**

20 It is hereby ordered Third Party Defendant MARK DAVIS INSURANCE AGENCY, INC.
21 shall have until **April 22, 2016** to respond to the Third Party Complaint of Third Party Plaintiff
22 DAVID A. FOWLER.

23 **IT IS SO ORDERED.**

24
25 Dated: April ¹¹____, 2016

26 By: *[Signature]*
27 Hon. Ed
United S
28 Judge Edward M. Chen



LEWIS
BRISBOIS
BISGAARD & SMITH LLP

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FEDERAL COURT CERTIFICATE OF SERVICE

Colony Insurance Company v. David A. Fowler, et al. and related third party action
United States District Court, Northern District, Case No. 3:15-cv-05184-EMC

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to the action. My business address is 333 Bush Street, Suite 1100, San Francisco, CA 94104-2872. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On April 7, 2016, I served the following document(s):

JOINT STIPULATION and [PROPOSED] ORDER TO EXTEND TIME FOR THIRD PARTY DEFENDANT MARK DAVIS INSURANCE AGENCY, INC.'S TO ANSWER OR OTHERWISE RESPOND TO THE THIRD PARTY COMPLAINT FOR INDEMNITY

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

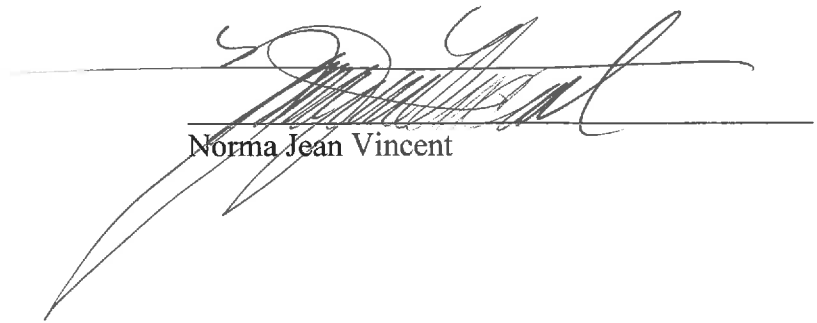
SEE ATTACHED SERVICE LIST

The documents were served by the following means:

(BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

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

Executed on April 7, 2016, at San Francisco, California.



Norma Jean Vincent

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SERVICE LIST

Colony Insurance Company v. David A. Fowler, et al. and related third party action
United States District Court, Northern District, Case No. 3:15-cv-05184-EMC

<p><u>Attorneys for Plaintiff Colony Insurance Company</u> Jeffrey Alan Charlston Bruce Tabor Smyth Charlston, Revich and Wollitz LLP 1925 Century Park East Suite 1250 Los Angeles, CA 91367 Phone: 310-551-7000 Phone: 310-551-7010 (Jeffrey) Phone: 310-551-7055 (Bruce) Fax: 310-203-9321 Email: jcharlston@crwllp.com Email: bsmyth@crwllp.com</p>	<p><u>Pro Se Defendant</u> David A. Fowler 3490 Happy Valley Court Santa Rosa, CA 95404 Phone: 707-331-5199 Fax: 707-462-2731 Email: davidfowler80@gmail.com</p>
<p><u>Attorneys for Defendant Daniel Gatley</u> Delphine S. Adams Joy L. Durand Dickenson, Peatman & Fogarty, P.C. 100 B Street, Suite 320 Santa Rosa, CA 95401 Phone: 707-524-7000 Fax: 707-546-6800 Email: dadams@dpf-law.com Email: jdurand@dpf-law.com</p>	<p><u>Attorneys for Defendant and Third Party Plaintiff David A. Fowler</u> Robert A. Fowler Fowler and Ball 150 North Pine Street Ukiah, CA 95482 Phone: 707-462-1429 Fax: 707-462-2731 Email: rafowler150@gmail.com</p>