

1 ROBERT P. HAMILTON, ESQUIRE - State Bar #115744
2 ZACHARY S. TOLSON, ESQUIRE - State Bar #242824
3 GOODMAN NEUMAN HAMILTON LLP
4 417 Montgomery Street, 10th Floor
San Francisco, California 94104
Telephone: (415) 705-0400
Facsimile: (415) 705-0411

5 Attorneys for Third Party Defendants
6 DAVID SMITH AND TRANS BAY INSURANCE AGENCY, INC.
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 ATAIN SPECIALTY
11 INSURANCE COMPANY, a
12 Michigan corporation,
13
14 Plaintiff,

13 vs.

14 U.S. CATERING TRUCK
15 MANUFACTURING, LLC, a
16 California limited liability company,
17 and LUIS SOTO, an individual
18 doing business as U.S. CATERING
19 PARTS,
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21 Defendants.

19 U.S. CATERING TRUCK
20 MANUFACTURING, LLC, and
21 LUIS SOTO
22 Third Party Plaintiffs,

21 vs.

22 DAVID SMITH and TRANS BAY
23 INSURANCE AGENCY, INC.
24
25 Third Party Defendants.

25 AND RELATED ACTIONS.
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Case No. 3:15-cv-05379-WHO

STIPULATION AND APPLICATION
TO AMEND SCHEDULING ORDER
AND CASE DEADLINES

Complaint Filed: November 25, 2015
Trial Date: March 6, 2017

1 **STIPULATION AND APPLICATION**

2 Pursuant to Federal Rules of Civil Procedure 16(b)(4) and Local Rules 6-2,
3 7-12, and 16-2(d), the parties hereby stipulate to the following in submitting this
4 joint request to continue the trial and related dates:

- 5 1. The Complaint was filed November 25, 2015. On February 24, 2016 the
6 Court issued a Civil Pretrial (scheduling) Order. (See Pacer Doc. 20.)
7 2. Among other deadlines, the scheduling order set the trial date for March
8 6, 2017 and a deadline to add parties of May 13, 2016.
9 3. Per the Court’s orders dated February 23, 2016 and April 11, 2016, the
10 Parties were ordered to participate in mediation before July 29, 2016.
11 4. All parties in this case have stipulated and do hereby request a short
12 continuance of all of the case deadlines, trial, and related dates.

13 In addition to the stipulation, good cause for the continuance exists because:

- 14 1. Third-Party Defendants DAVID SMITH and TRANS BAY
15 INSURANCE AGENCY, INC. were named as parties on the last day to
16 do so, May 13 ,2016 (see Pacer Doc. 23), and appeared in this case via
17 Answer on June 23, 2016 (see Pacer Doc. 34). This leaves about four
18 months in which to conduct discovery, which the parties do not expect to
19 be sufficient time given the number of parties in the case, complexity of
20 issues, and needs of the case. Additionally, the parties have not had
21 sufficient time to investigate this matter before the current mediation
22 deadline on July 29, 2016.
23 2. Trial is set for March 6, 2017 and a Pre-trial Conference is set for
24 February 6, 2017, however counsel for Third-Party Defendants DAVID
25 SMITH and TRANS BAY INSURANCE AGENCY, INC. already has a
26 multi-week trial set to begin on February 6, 2017 and another multi-week
27 trial set to begin on March 13, 2017, which dates conflict with the trial in
28 this case.

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3. There have been no prior requests for continuance.

Accordingly, the parties hereby agree and request that the case schedule should be modified as follows:

Event	Old Dates	New Dates
Deadline to amend/add parties	May 13, 2016	N/A
Deadline to complete mediation	July 29, 2016	September 30, 2016
Fact discovery cutoff	November 2, 2016	January 20, 2017
Expert disclosures	November 2, 2016	February 3, 2017
Expert rebuttal	December 2, 2016	February 17, 2017
Expert discovery cutoff	January 2, 2017	March 17, 2017
Dispositive Motions heard by	November 30, 2016	April 12, 2017
Pre-trial Conference	February 6, 2017	April 17, 2017
Trial	March 6, 2017	May 22, 2017

DATED: July 15, 2016

GOODMAN NEUMAN HAMILTON LLP

By: /s/ Zachary S. Tolson
ROBERT P. HAMILTON
ZACHARY S. TOLSON
Attorneys for Third Party Defendants
DAVID SMITH AND TRANS BAY
INSURANCE AGENCY, INC.

DATED: July 15, 2016

BOORNAZIAN, JENSEN & GARTHE

By: /s/ Ian E. Anderson
THOMAS E. MULVIHILL
TAMIKO A. DUNHAM
IAN E. ANDERSON
Attorneys for Plaintiff
ATAIN SPECIALTY INSURANCE
COMPANY

1 DATED: July 15, 2016

BURNHAM BROWN

2 By: /s/ Alison F. Green

3 GREGORY D. BROWN
4 ALISON F GREENE
5 Attorneys for Defendants, Counter-
6 Claimants, and Third-Party Plaintiffs
7 LUIS SOTO and U.S. CATERING
8 TRUCK MANUFACTURING, LLC

9 **CASE MANAGEMENT ORDER**

10 **As modified below**, the above Stipulated Amended Case Scheduling Order
11 is hereby ORDERED to be the schedule for this case and all parties shall comply
12 with its provisions:

13 Last day for dispositive hearing: March 29, 2017

14 Pre-trial Conference: May 22, 2017

15 Trial: June 19, 2017

16 DATED: July 20, 2016

17 By: 
18 JUDGE WILLIAM H. ORRICK
19 DISTRICT COURT JUDGE
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