

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

MIKE ROSE'S AUTO BODY, INC.,

Plaintiff,

v.

APPLIED UNDERWRITERS CAPTIVE
RISK ASSURANCE COMPANY, INC.,

Defendant.

Case No. 3:16-CV-01864-EMC

**STIPULATION AND ~~[PROPOSED]~~
ORDER CONTINUING HEARING AND
BRIEFING SCHEDULE ON MOTION TO
CONFIRM ARBITRATION AWARD**

Plaintiff Mike Rose's Auto Body, Inc. ("Plaintiff") and Defendant Applied Underwriters Captive Risk Assurance Company, Inc. ("Defendant") (collectively, the "Parties"), by and through their respective counsel of record, stipulate as follows:

RECITALS

1. On May 24, 2018, the Parties appeared before the Court for a Case Management Conference (the "CMC").
2. During the CMC, the Court set a hearing on Plaintiff's Motion to Confirm Arbitration Award (the "Motion") for August 2, 2018 at 1:30 p.m. On June 14, 2018, the Court reset the hearing on August 2, 2018 from 1:30 p.m. to 2:30 p.m.

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3. During the CMC, the Court also set the following briefing schedule on Plaintiff's Motion to Confirm Arbitration Award:

June 21, 2018: Last day for Plaintiff to file its Motion

July 5, 2018: Last day for Defendant to file its Opposition

July 12, 2018: Last day Plaintiff to file its Reply Brief

4. Pursuant to the arbitration award, the arbitrator ordered Defendant to provide certain calculations to Plaintiff concerning the Parties' Reinsurance Participation Agreement, which is the subject of this action. During the CMC, the Court advised the Parties that if Defendant needed additional time beyond June 21, 2018 to provide the calculations to Plaintiff, the Parties could notify the Court of the same and request a continuance of the hearing on the Motion.

5. As of today, Defendant needs additional time to provide the calculations to Plaintiff. Therefore, the Parties request that the hearing and briefing schedule be continued for at least another 30 days.

STIPULATION

The Parties hereby stipulate pursuant to Civil Local Rule 7-12 that the hearing on Plaintiff's Motion to Confirm Arbitration Award is continued from August 2, 2018 to September 5, 2018, or as soon thereafter as is convenient for the Court, and that the corresponding briefing schedule on the Motion to Confirm Arbitration Award is extended as follows:

Deadline for Plaintiff to file Motion to Confirm Arbitration Award: July 23, 2018

Deadline for Defendant to file its Opposition: August 6, 2018

Deadline for Plaintiff to file its Reply Brief: August 13, 2018

1 Dated: June 15, 2018

BUCHMAN PROVINE BROTHERS SMITH LLP

3 By:/s/ Connor M. Day

4 Roger J. Brothers

Horace W. Green

Connor M. Day

Attorneys for Plaintiff Mike Rose's Auto Body,
Inc.

7 Dated: June 15, 2018

HINSHAW & CULBERTSON LLP

9 By:/s/ Travis R. Wall

10 Spencer Y. Kook

Travis R. Wall

Jared W. Matheson

Attorneys for Defendant APPLIED
UNDERWRITERS CAPTIVE RISK
ASSURANCE COMPANY, INC.

16 **PURSUANT TO STIPULATION, IT IS HEREBY ORDERED AS FOLLOWS:**

17 The Parties change to the briefing schedule is accepted, and the hearing on the Motion to
18 Confirm Arbitration Award is continued to 9/5, 2018, at 1: 30 ~~a.m.~~/p.m.

20 **IT IS SO ORDERED.**

23 DATED: 6/20/18

