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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.

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

- 3                 June 21, 2018:           Last day for Plaintiff to file its Motion
- 4                 July 5, 2018:             Last day for Defendant to file its Opposition
- 5                 July 12, 2018:            Last day Plaintiff to file its Reply Brief

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

11          5.       As of June 20, 2018, Defendant needed additional time to provide the calculations  
12 to Plaintiff. As a result, the Parties requested the Court to continue the hearing and briefing for at  
13 least another 30 days.

14          6.       On June 20, 2018, the Court issued an Order and an Amended Order continuing the  
15 hearing and briefing schedule on Plaintiff’s Motion to Confirm Arbitration Award as follows:

- 16                 Deadline for Plaintiff to file Motion to Confirm Arbitration Award: July 23, 2018
- 17                 Deadline for Defendant to file its Opposition: August 6, 2018
- 18                 Deadline for Plaintiff to file its Reply Brief: August 13, 2018
- 19                 Hearing on Motion: September 6, 2018 at 1:30 p.m

20          7.       As of today, Defendant still needs additional time to provide the calculations to  
21 Plaintiff. Therefore, the Parties request one final continuance of the hearing and briefing schedule  
22 in order to provide Defendant with additional time.

23   **STIPULATION**

24           The Parties hereby stipulate pursuant to Civil Local Rule 7-12 that the hearing on Plaintiff’s  
25 Motion to Confirm Arbitration Award is continued from September 6, 2018 to October 6, 2018, or  
26 as soon thereafter as is convenient for the Court, and that the corresponding briefing schedule on  
27 the Motion to Confirm Arbitration Award is extended as follows:

- 28                 Deadline for Plaintiff to file Motion to Confirm Arbitration Award: August 22, 2018

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Deadline for Defendant to file its Opposition: September 5, 2018

Deadline for Plaintiff to file its Reply Brief: September 12, 2018

Dated: July 23, 2018

**BUCHMAN PROVINE BROTHERS SMITH LLP**

By: /s/ Connor M. Day  
\_\_\_\_\_  
Roger J. Brothers  
Horace W. Green  
Connor M. Day  
Attorneys for Plaintiff Mike Rose’s Auto Body,  
Inc.

Dated: July 23, 2018

**HINSHAW & CULBERTSON LLP**

By: /s/ Travis R. Wall  
\_\_\_\_\_  
Spencer Y. Kook  
Travis R. Wall  
Jared W. Matheson  
Attorneys for Defendant APPLIED  
UNDERWRITERS CAPTIVE RISK  
ASSURANCE COMPANY, INC.

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

The Parties change to the briefing schedule is accepted, and the hearing on the Motion to Confirm Arbitration Award is continued to October 25, 2018, at 1 :30 ~~a.m.~~/p.m.

**IT IS SO ORDERED.**

DATED: July 23, 2018

  
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EDWARD M. CHEN  
UNITED STATES DISTRICT JUDGE