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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
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6 NORTHFIELD INSURANCE
7 COMPANY,

8 Plaintiff,

9 v.

10 CIVIC CENTER HOTEL, LLC;
11 BALWANTSINH "BILL" THAKOR, an
individual; and U.A. LOCAL 38
PENSION TRUST FUND,

12 Defendants.
13
14

CASE NO. 16-CV-06056-WHO

**STIPULATION RE CASE MANAGEMENT
CONFERENCE AND BRIEFING
SCHEDULE AND ORAL ARGUMENT
FOR ALL PENDING MOTIONS AND
ORDER**

[LOCAL R. 6-2]

**CTRM: 2
JUDGE: HON. WILLIAM H. ORRICK**

15 **TO THE CLERK OF THE COURT AND ALL PARTIES AND THEIR**
16 **RESPECTIVE ATTORNEYS OF RECORD:**

17 **PLEASE TAKE NOTICE** that plaintiff Northfield Insurance Company ("Northfield" or
18 "Plaintiff") and defendants Civic Center Hotel, LLC ("CCH"), Balwantsinh "Bill" Thakor
19 ("Thakor"), and U.A. Local 38 Pension Trust Fund ("Local 38") (collectively, the "Defendants"),
20 (together the "Parties"), have agreed to the following briefing schedule for the Parties' pending
21 motions.

22 This stipulation is entered into by the Parties by and through their respective counsel of
23 record.

24 **FACTUAL RECITALS**

25 This stipulation is entered into in reference to the following facts:

26 1. Northfield has moved for partial summary judgment [ECF No. 23] with a briefing
27 schedule by court order [ECF No. 36]. The hearing is currently set for February 8, 2017 at 2:00
28 p.m.

1 2. Local 38 has moved to dismiss or stay Northfield’s complaint [ECF No. 26] with a
2 briefing schedule by court order [ECF No. 36]. CCH and Thakor joined in this motion to dismiss or
3 stay [ECF No. 29]. The hearing is currently set for February 8, 2017 at 2:00 p.m.

4 3. CCH and Thakor have cross-moved for partial summary judgment based on lack of
5 notice of the addition of a “Habitability of Premise” exclusion in the 2014-2015 Northfield policy
6 [ECF No. 50]. No hearing is currently set for this motion. See ECF No. 54 (denying truncated
7 briefing schedule).

8 4. The Case Management Conference is currently set to take place on February 8, 2017,
9 at the same time as the hearing on the above-referenced motions. ECF No. 40. The Parties’ Case
10 Management Statement is currently due on February 1, 2017. *Id.*

11 5. The Defendants wish to have both of their motions heard on the same date as
12 Northfield’s motion for the convenience of the Parties and the Court and because all parties are
13 hoping to receive a decision from the Court prior to an April 3, 2017 mediation, if possible.

14 6. For the convenience of the Court and the Parties, the Parties also wish to have the
15 Case Management Conference continued to March 1, 2017, to take place at the same date and time
16 that the above-referenced motions are heard.

17 **STIPULATION**

18 Based on the foregoing, the Parties therefore stipulate and request the Court adopt the
19 following briefing schedule for CCH’s motion for summary judgment:

- 20 • Any opposition to CCH’s motion for partial summary judgment shall be filed and
21 served on or before February 13, 2017 through the Court’s ECF filing system;
- 22 • Any replies to CCH’s motion for partial summary judgment shall be filed and
23 served on or before February 20, 2017 through the Court’s ECF filing system; and
- 24 • Oral argument on all pending motions – (1) Northfield’s motion for partial
25 summary judgment, (2) Local 38’s motion to dismiss or stay, and (3) CCH’s motion for partial
26 summary judgment shall be heard on March 1, 2017 at 2:00 p.m.
- 27 • The Parties also stipulate, and respectfully request, that the Case Management
28

1 Conference be continued from February 8, 2017 to March 1, 2017. The Parties also stipulate and
2 request that the Case Management Statement deadline be continued from February 1, 2017 to
3 February 22, 2017.

4 The Parties further agree as follows:

5 • The Parties will obtain and share with one another all relevant disclosures
6 regarding the Habitability of Premises exclusion endorsement, including without limitation,
7 information in the possession of Coastal Brokers Insurance Services, Inc. (Northfield's wholesale,
8 surplus-lines broker) and Pro-Am Insurance Agency, Inc.(the insureds' broker), as well as any
9 documents received by any of the insureds or their brokers regarding renewal or citing or referring
10 to the habitability exclusion in any way, if any. The Parties are to produce said documents no later
11 than February 3, 2017, as a partial Rule 26 disclosure for authentication/admissibility purposes. If
12 the above referenced documents are not available for production on or before February 9, 2017,
13 the Parties agree to meet and confer regarding the timing of Northfield's opposition to CCH's
14 motion for summary judgment.

15 • Northfield will not take Mr. Thakor's deposition prior to the hearing on the Parties'
16 respective motions for summary judgment and will limit discovery relating to Defendants'
17 pending motions to the issue of notice provided to the insureds and their broker; and

18 • All Parties agree to defer any other Rule 26 production as may be called for prior to
19 March 1, 2017, with the idea that the results of these hearings may narrow and refine the issues.
20

21 **SO STIPULATED.**

22 DATED: January 26, 2017

BAKER & MCKENZIE LLP

23 By: /s/ James P. Baker
24 James P. Baker
25 Emily L. Garcia
26 Attorneys for Defendant
U.A. LOCAL 38 PENSION TRUST FUND

1 DATED: January 26, 2017

HANSON BRIDGETT LLP

2 By: /s/ Alexander J. Berline

3 Alexander J. Berline
4 Kaylen Kadotani

5 Attorneys for Defendants
6 CIVIC CENTER HOTEL, LLC and
7 BALWANTSINH "BILL" THAKOR

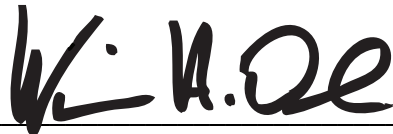
8 DATED: January 26, 2017

SEDGWICK LLP

9 By: /s/ Alexander E. Potente

10 Alexander E. Potente
11 Attorneys for Plaintiff
12 NORTHFILED INSURANCE COMPANY

13 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

14 

15 DATED: _____

16 HON. WILLIAM H. ORRICK
17 United States District Judge

18 **ATTESTATION CERTIFICATE**

19 In accordance with the Northern District of California's Local Rule 5-1(i)(3), I attest that
20 concurrence in the filing of this document has been obtained from each of the other signatories
21 who are listed on the signature page.

22 Dated: January 26, 2017

23 /s/ Alexander E. Potente

Alexander E. Potente

24 SEDGWICK LLP
25 333 Bush Street, 30th Floor
26 San Francisco, California 94104
27 Telephone: (415) 781-7900
28 Facsimile: (877) 547-2780