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7 Attorneys for Plaintiff,
 A. Teichert & Son, Inc. dba Teichert Construction

8
 9 **IN THE UNITED STATES DISTRICT COURT**
 10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 A. TEICHERT & SON, INC. dba TEICHERT
 CONSTRUCTION, a California corporation,

12 Plaintiff,

13 v.

14 LANDMARK AMERICAN INSURANCE
 15 COMPANY, an Oklahoma corporation;
 COLONY INSURANCE COMPANY, a Virginia
 16 corporation; and RSUI INDEMNITY
 COMPANY, a New Hampshire corporation,

17 Defendants.
 18

CASE NO. 16-cv-07094-SI

**STIPULATION AND ~~PROPOSED~~ ORDER
 CONTINUING CASE MANAGEMENT
 CONFERENCE AND OTHER PENDING
 DEADLINES**

Case Management Date: June 30, 2017
 Courtroom: 1
 Trial Date: None Set

19 Pursuant to Civil Local Rule 6-2(a), Plaintiff A. Teichert & Son, Inc. dba Teichert
 20 Construction ("Plaintiff") and Defendants Landmark American Insurance Company, Colony
 21 Insurance Company and RSUI Indemnity Company (collectively "Defendants"), by and through
 22 their respective counsel, hereby stipulate as follows:

- 23 1. On January 11, 2017, the Court entered a Notice of Initial Case Management
 24 Conference (Document No. 16) setting a Case Management Conference for March 17, 2017.
- 25 2. On February 28, 2017, pursuant to the parties' stipulation, the Court entered an
 26 Order Continuing Case Management Conference and Other Pending Deadlines (Document No.
 27 24) that, among other things, continued the Case Management Conference to June 30, 2017.
- 28 3. For the reasons set forth below, the parties request that the Case Management

1 Conference, and all currently pending deadlines, be re-scheduled to the dates requested in
2 paragraph 8, below.

3 4. This action (the "Federal Action") concerns insurance coverage issues arising
4 from, among other things, claims being advanced in a state action titled *San Luis Obispo*
5 *County Flood Control and Water Conservation District v. A. Teichert & Son, Inc., et al.*, Contra
6 Costa Superior Court, Case No. MSC15-02153 (the "State Action").

7 5. In the State Action, the plaintiff and defendants initially agreed to participate in (1)
8 a joint consultant meeting by April 14, 2017 (the "Joint Consultant Meeting"), and (2) mediation
9 by June 1, 2017 using Michael G. Ornstil of JAMS as the mediator (the "Mediation"). However,
10 in order to allow for the completion of additional discovery in the State Action (e.g., testing of
11 pipe samples), the Joint Consultant Meeting and Mediation have been re-scheduled to July 19,
12 2017 and August 29, 2017, respectively.

13 6. In this Federal Action, in an effort to further educate the Defendants on the
14 Plaintiff's claims and resolve those claims through ADR, Plaintiff has requested that the
15 Defendants participate in both the Joint Consultant Meeting and Mediation.

16 7. The Defendants have agreed to participate in the Joint Consultant Meeting.
17 Moreover, Defendant Colony Insurance Company has agreed to participate in the Mediation.
18 Defendants Landmark American Insurance Company and RSUI Indemnity Company may
19 agree to participate in the Mediation and will make their determination after they have
20 participated in the Joint Consultant Meeting.

21 8. The Plaintiff and Defendants agree that a second continuance of the Case
22 Management Conference, and all currently pending deadlines, will permit a more efficient case
23 management, will serve the interests of judicial economy, and will conserve party and Court
24 resources. Specifically, a continuance will allow more time for the Plaintiff and Defendants to
25 participate in the Joint Consultant Meeting and, if agreeable, the Mediation, which, if
26 successful, will resolve this Federal Action thereby eliminating the need for a Case
27 Management Conference.

28 9. The Parties, therefore, request the following:

1 a. The June 30, 2017 Case Management Conference be taken off calendar
2 and rescheduled for September 27, 2017, or to another date that is convenient for the Court;

3 b. The Parties' deadline to file the Joint Case Management Statement be
4 continued to seven (7) days prior to the new date for the Case Management Conference; and

5 c. The Parties' deadline under Civil Local Rule 16-8 and ADR Local Rule 3-5
6 for the filing of the ADR Certification and Stipulation to ADR Process or Notice of Need for ADR
7 Phone Conference be continued to twenty-one (21) days prior to the new date for the Case
8 Management Conference.

9 10. This is the parties' second request for a modification to the deadlines set forth
10 above.

11 **IT IS SO STIPULATED.**

12 DATED: June 6, 2017

O'CONNOR THOMPSON MCDONOUGH
KLOTSCHÉ LLP

13
14 By: /s/ John W. Klotsche
15 JOHN W. KLOTSCHÉ
16 SEAN-THOMAS P. THOMPSON
17 Attorneys for Plaintiff, A. TEICHERT &
18 SON, INC. dba TEICHERT
19 CONSTRUCTION

20 DATED: June 6, 2017

MUSICK, PEELER & GARRETT LLP

21 By: /s/ Juan A. Torres
22 DAVID A. TARTAGLIO
23 JUAN A. TORRES
24 Attorneys for Defendants, LANDMARK
25 AMERICAN INSURANCE COMPANY
26 and RSUI INDEMNITY COMPANY

27 DATED: June 6, 2017

CHARLSTON, REVICH & WOLLITZ LLP

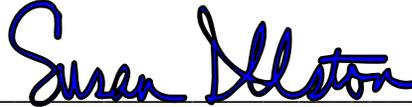
28 By: /s/ Jeffrey Charlston
JEFFREY CHARLSTON
Attorneys for Defendant, COLONY
INSURANCE COMPANY

Case Management Conference set for October 13, 2017 at 3:00 p.m. before Judge Susan Illson.

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PURSUANT TO STIPULATION, IT IS ORDERED.

DATED: 6/6/2017



THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE