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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KIRLIN BUILDERS, LLC, f/k/a JOHN J.
KIRLIN SPECIAL PROJECTS, LLC,

Plaintiff,

v.

NORTH AMERICAN SPECIALTY
INSURANCE COMPANY,

Defendant.

AND RELATED CROSS-CLAIM

Case No. 3:17-cv-00608 JST

**JOINT STIPULATION AND
[PROPOSED] ORDER TO STAY
PROCEEDINGS PENDING MEDIATION**

1 This Stipulation is entered into by and among Plaintiff Kirlin Builders, LLC ("Kirlin")
2 and Defendant/Cross-Plaintiff North American Specialty Insurance Company ("NAS")
3 (collectively "the Parties"), by and through their respective counsel;

4 WHEREAS, Kirlin filed a complaint in the above-entitled action in the United States
5 District Court for the Northern District of California, on February 7, 2017 (the "Complaint"), and
6 served the Complaint on NAS on March 7, 2017 (ECF Nos. 1 and 11);

7 WHEREAS, on February 23, 2017, the Clerk continued the due date for the Case
8 Management Statement from May 5, 2017 to May 15, 2017, and the Initial Case Management
9 Conference from May 12, 2017 to May 24, 2017 (ECF No. 10);

10 WHEREAS, NAS filed its answer to the Complaint and cross-claim (the "Cross-Claim")
11 against Cross-Defendants, Federal Solutions Group, Inc, d/b/a Federal Construction ("FSG"),
12 Bara Infoware, Inc. ("Bara"), Selina Singh, & Manjindar P. Singh (the "Singhs") on March 28,
13 2017 (ECF No. 12);

14 WHEREAS, on April 21, 2017, the Parties met and conferred regarding the initial
15 disclosures, early settlement, ADR process selection, and the discovery plan;

16 WHEREAS, on April 26, 2017, the Parties filed the Joint Stipulation and [Proposed]
17 Order Continuing Case Management Conference and Other Pending Deadlines (ECF No. 23)
18 seeking a twenty-eight (28) day continuance of the Case Management Conference and related
19 pending deadlines so as to allow the participation of Cross-Defendants, who had not yet
20 answered the Cross-Complaint;

21 WHEREAS, the Court entered the Order Continuing Case Management Conference and
22 Other Pending Deadlines on April 27, 2017 (ECF No. 24);

23 WHEREASE, NAS successfully performed service on Cross-Defendant Bara, on April
24 12, 2017 (ECF No. 15), on Cross-Defendant FSG on May 19, 2017 (ECF No. 25), on Cross-
25 Defendant Selina Singh on May 23, 2017 (ECF No. 26), and on Cross-Defendant Manjindar P.
26 Singh on May 23, 2017 (ECF No. 27);

1 WHEREAS, Cross-Defendant Bara's answer to the Cross-Claim was due May 3, 2017;
2 Cross-Defendant FSG's answer to the Cross-Claim is due June 8, 2017; and Cross-Defendants
3 Singhs' answers to the Cross-Claim are due June 12, 2017;

4 WHEREAS, none of the Cross-Defendants have answered the Cross-Claim;

5 WHEREAS, the Case Management Statement is currently due by June 7, 2017, and the
6 Case Management Conference is set for June 21, 2017 (ECF No. 24);

7 WHEREAS, although the Parties have not yet set the date(s) for the mediation, the
8 Parties have agreed upon the private mediator and the Parties anticipate that the mediation shall
9 be completed not later than August 31, 2017;

10 WHEREAS, should the mediation be unsuccessful in achieving resolution of this action,
11 the Parties shall confer and attempt to agree on a revised proposed Scheduling Order, and shall
12 seek the Court's approval of a revised schedule either through agreement or a scheduling
13 conference with the Court;

14 WHEREAS, the Parties agree that staying the case pending mediation will permit more
15 efficient case management, will serve the interests of judicial economy, and will conserve Party
16 and Court resources;

17 NOW, THEREFORE, pursuant to Civil Local Rules 6-2(a) and 7-12, the Parties hereby
18 stipulate and agree, through their respective counsel, as follows:

19 1. The June 7, 2017 deadline to file the Joint Case Management Statement, Rule
20 26(f) Report, complete initial disclosures, or state objections in Rule 26(f) Report shall be stayed
21 pending mediation;

22 2. The June 21, 2017 Case Management Conference, shall be stayed pending
23 mediation;

24 3. The mediation shall be completed not later than August 31, 2017;

25 4. The Parties will notify the Court within ten (10) days of completion of the
26 mediation, and inform the Court at that time whether further proceedings in this action are
27 required;

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~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation and good cause having been shown, it is hereby ordered that the Case Management Conference currently set for June 21, 2017, at 2PM and the June 7, 2017 deadline, to file the Joint Case Management Statement; Rule 26(f) Report; complete initial disclosures; or state objections in Rule 26(f) Report are stayed pending further Order of this Court. The Parties are hereby directed to complete mediation by August 31, 2017, and to notify the Court within ten (10) days of completion of the mediation, and to inform the Court at that time whether further proceedings in this action are required.

Should the mediation be unsuccessful in achieving resolution of this action between the Parties, the Parties shall confer and attempt to agree on a revised proposed Scheduling Order, and shall seek the Court's approval of a revised schedule either through agreement or a scheduling conference with the Court by September 10, 2017.

Dated: May 31, 2017



THE HONORABLE JON S. TIGAR
UNITED STATES DISTRICT JUDGE