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4 Attorney for Plaintiffs
 5 LEAH ANN HERNANDEZ
 and JOSE RAMON HERNANDEZ

6 **UNITED STATES DISTRICT COURT**
 7 **NORTHERN DISTRICT OF CALIFORNIA**

9 LEAH ANN HERNANDEZ and JOSE
 10 RAMON HERNANDEZ,

11 Plaintiffs,

12 vs.

13 QBE INSURANCE CORPORATION, QBE
 14 AMERICAS, INC., and DOES 1 through
 15 100, inclusive,

16 Defendants.

Case No: 3:17-cv-02577

11 **STIPULATION AND ~~[PROPOSED]~~**
 12 **ORDER TO EXTEND TIME TO**
 13 **EXCHANGE INFORMATION**
 14 **AND FILE AMENDED COMPLAINT**

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19 Come now, Plaintiffs LEAH ANN HERNANDEZ and JOSE RAMON
 20 HERNANDEZ (“Hernandez”) and defendants QBE PRAETORIAN INSURANCE
 21 CORPORATION AND QBE AMERICAS, INC. (“QBE”) and stipulate as follows.

22 On July 13, 2017, the parties appeared before the court on QBE’s Motion to Dismiss
 23 and Motion to Strike. The court granted Defendants' Motion to Dismiss with 60 days leave
 24 to amend and deemed moot the Motion to Strike . The court also ordered the parties to meet
 25 and confer to review policy and documents thoroughly before Plaintiffs filed an amended
 26 complaint, which was due by September 11, 2017. Lastly, the court reset the Case
 27 Management Conference (“CMC”) from August 31, 2017 to October 26, 2017 and ordered
 28 the parties to file a joint CMC statement by October 19, 2017.

1 On August 7, 2017 counsel began their meet and confer. The parties agreed to
2 exchange identified documents. Among other things, Plaintiff agreed to produce files from
3 their lender, Umpqua Bank (“Umpqua”). On August 9, 2017, defense counsel confirmed the
4 agreement by email and asked Plaintiffs’ counsel to contact him to finalize details of the
5 document exchange.

6 In reviewing the files in Hernandez’s counsel’s possession, plaintiffs’ counsel
7 realized that, although, in 2016, a request was made to Umpqua for its records, Umpqua
8 never responded. On September 6, Plaintiffs’ counsel advised defense counsel that he did
9 not have those key documents but had renewed his request to obtain them. On September 8,
10 2017, defense counsel suggested in a voice mail that the parties exchange the documents
11 they did have and that Plaintiffs’ counsel agree to produce the complete Umpqua Bank file
12 upon his receipt without need for formal discovery. On Monday, September 11, Plaintiffs’
13 counsel agreed to the proposal, and requested that the defense stipulate to extend the
14 deadlines for the meet and confer/document exchange, the filing of the First Amended
15 Complaint and the CMC. Plaintiffs’ counsel also represented that he expected to have the
16 Umpqua file by the third week of September.

17 Plaintiff’s counsel represents that, in late August 2017, upon learning about the lack
18 of response, plaintiffs’ counsel’s office renewed efforts to obtain Umpqua’s records.
19 Ultimately, Umpqua responded in early September 2017 that it would be providing records
20 by the second or third week of September.

21 Umpqua’s records are relevant to the amended complaint in that Plaintiffs contend
22 Umpqua maintained an impound account and further contend that Umpqua made payments
23 to one or the other of the Defendants for insurance on the property lost in the fire.
24 Defendant QBE Insurance Corporation alleges that it sent cancellation notices to both the
25 Plaintiffs and to Umpqua before the Valley Fire in Lake County. The Plaintiffs allege that
26 they never received the cancellation notice and that Umpqua continued impounding money
27 for the property insurance. Further, according to Plaintiffs, it was not until after the Valley
28

1 Fire loss that Umpqua took steps to obtain replacement insurance raising the issue as to
2 whether Umpqua received the cancellation notice defendant alleges it sent.

3 Complicating matters on Plaintiffs' side is the fact that Plaintiffs' counsel's assistant
4 for the last six years left in July 2017 to work for her husband. Since that time, Plaintiffs'
5 counsel has had three replacements, two of whom did not work out. The flux created by the
6 loss of Plaintiffs' counsel's assistant contributed to the delay in obtaining the records.

7 As set forth above, on September 11, 2017, Plaintiffs' counsel agreed to the
8 defense's September 8 proposal, to wit that each side would exchange documents in their
9 possession and Plaintiffs' counsel would provide the Umpqua records upon his receipt.

10 Because of the delay in securing the Umpqua file and exchanging information, both
11 of which are necessary to meaningfully meet and confer and consider how to amend the
12 complaint, Plaintiffs have not filed their First Amended Complaint. Plaintiffs' counsel
13 believes that information in the Umpqua file is necessary for amending the complaint.

14 Therefore, it is requested that the deadline to exchange documents, including the
15 Umpqua records, be continued to September 22, 2017, the deadline for Plaintiffs to file a
16 First Amended Complaint be continued to October 2, 2017 and the CMC be continued to a
17 date convenient to the Court roughly 45 days later. Defendants' responsive pleadings will
18 be filed pursuant to the Federal Rules of Civil Procedure.

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IT IS SO STIPULATED.

DATED: September 12, 2017

LAW OFFICES OF ETHAN A. GLAUBIGER

By: _____
Ethan A. Glaubiger
Attorneys for Plaintiffs LEAH ANN
HERNANDEZ AND RAMON HERNANDEZ

DATED: September 12, 2017

LEWIS BRISBOIS BISGAARD & SMITH LLP

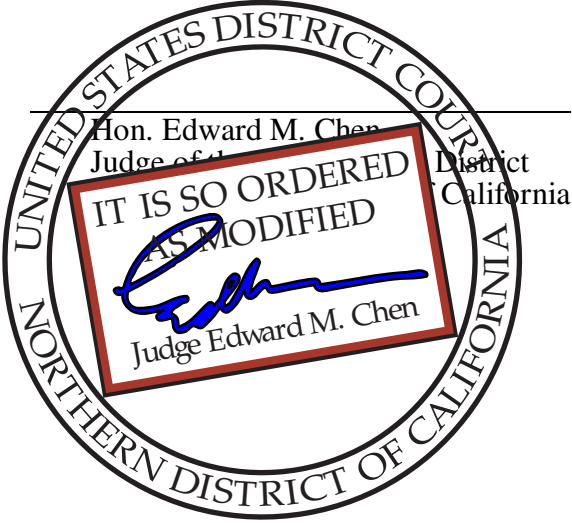
By: Jerry Garcia
Rebecca R. Weinreich
Jerry Garcia
Attorneys for Defendants QBE INSURANCE
CORPORATION, QBE AMERICAS, INC.

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~~[PROPOSED]~~ **ORDER**

In accordance with the above stipulation, and for good cause shown, it is hereby ordered that plaintiffs shall have leave to file an amended complaint on or before October 2, 2017. Responsive pleadings shall be filed ^{pursuant to FRCP.} ~~not later than _____, 2017.~~

The case management conference shall be continued to 11/21, 2017 at 10:30 a.m./p.~~m.~~



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