

1 BRUCE NYE, ESQ. SBN 77608  
 ADAMS | NYE | TRAPANI | BECHT LLP  
 2 222 Kearny Street, Seventh Floor  
 San Francisco, California 94108-4521  
 3 Telephone: (415) 982-8955  
 Facsimile: (415) 982-2042

4 Attorneys for Defendant  
 5 WHIRLPOOL CORPORATION, DBA MAYTAG

6 LAURA UDDENBERG, ESQ SBN 75630.  
 GRUNSKY, EBEL, FARRAR & HOWELL  
 7 240 Westgate Drive  
 Watsonville, CA 95076  
 8 Telephone: (831) 722-2444  
 Facsimile: (831) 722-6153

9 Attorneys for Plaintiff  
 10 CALIFORNIA STATE AUTOMOBILE ASSOCIATION  
 INTER-INSURANCE BUREAU

11  
 12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

14 CALIFORNIA STATE AUTOMOBILE  
 15 ASSOCIATION, INTER-INSURANCE  
 BUREAU,

16  
 17 Plaintiff,

18 vs.

19 WHIRLPOOL CORPORATION, DBA  
 MAYTAG, AND DOES 1 THROUGH 50,  
 20 INCLUSIVE,

21 Defendants.

No. C 08-01633 WDB

**JOINT APPLICATION FOR  
 CONTINUANCE OF FURTHER CASE  
 MANAGEMENT CONFERENCE**

Currently Scheduled Date: 11/12/08  
 Currently Scheduled Time: 1:30 p.m.

22 To the Honorable Wayne D. Brazil, United States Magistrate Judge:

23 The parties hereby jointly apply for an order of this court continuing the presently scheduled  
 24 Further Case Management Conference from November 12, 2008, to a date convenient for the Court on  
 25 or after January 14, 2009. The reasons for this application appear below:

26 ///

27 ///

1           1.       On August 7, 2008, when the parties appeared before this Court in this insurance  
2 subrogation matter, they had already scheduled mediation for September 30, 2008, before Charles F.  
3 Hawkins of Mediation Masters in San Jose. At that time, plaintiff California State Automobile  
4 Insurance Association had not yet completed adjusting the loss underlying its claim, but anticipated  
5 that it would complete the adjustment, well in advance of the September 30 mediation date so that the  
6 total dollar amount of the claim would be known and the matter could be resolved at the mediation.

7  
8           2.       For two reasons, the September 30 mediation date has become untenable. First,  
9 Plaintiff has not yet completed its adjustment of the loss, so the total amounts involved are not yet  
10 known. Second, Whirlpool Corporation's National Product Counsel for dishwashers, whose  
11 participation in the mediation is essential, has become unavailable on that date. Accordingly, the  
12 parties have rescheduled the mediation to Mr. Hawkins's next available date, January 8, 2009.

13           3.       The parties have completed their essential liability investigation and discovery.  
14 Plaintiff believes there should be no difficulty in completing adjustment of this loss well in advance of  
15 the January 8 date, and the parties intend to begin settlement discussions as soon as Plaintiff has  
16 provided Whirlpool with the complete adjustment information, in the hope that this matter can be  
17 resolved without the need for mediation.  
18

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

4. For the reasons set forth above, the parties jointly request that this Court continue the Further Case Management Conference to the first convenient date on or after January 14, 2009.

DATED: September \_\_, 2008

GRUNSKY, EBEL, FARRAR & HOWELL

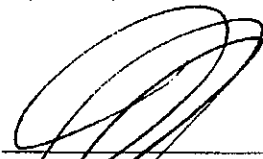
By:

Laura Uddenberg  
Attorneys for Plaintiff  
CALIFORNIA STATE AUTOMOBILE  
ASSOCIATION INTER-INSURANCE  
BUREAU

DATED: September 15, 2008

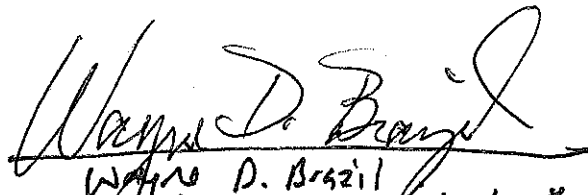
ADAMS | NYE | TRAPANI | BECHT LLP

By:

  
Bruce Nye  
Attorneys for Defendant  
WHIRLPOOL CORPORATION, DBA  
MAYTAG

The Case Management Conference set for November 12, 2008 is continued to Thursday, January 15, 2008, at 4:00 p.m. By no later than Tuesday, January 13, 2008, at noon, the parties must file their further Joint Case Management Conference Statement.

It is so Ordered.

  
Wayne D. Brazil  
United States Magistrate Judge