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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION

13 EMPLOYERS REINSURANCE
 14 CORPORATION n/k/a WESTPORT
 INSURANCE CORPORATION,

15 Plaintiff,

16 vs.

17 ORDWAY INDEMNITY, LTD.,

18 Defendant.
 19

CASE NO. C. 09-01610 PJH

STIPULATION AND JOINT REQUEST TO
 CONTINUE HEARING ON DEFENDANT'S
 MOTION TO COMPEL ARBITRATION AND
 STAY PROCEEDINGS AND CASE
 MANAGEMENT CONFERENCE; PROPOSED
 ORDER THEREON

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 STIPULATION AND JOINT REQUEST TO CONTINUE HEARING ON DEFENDANT'S MOTION TO
 COMPEL ARBITRATION & STAY PROCEEDINGS AND CASE MANAGEMENT CONFERENCE;
 PROPOSED ORDER THEREON
 (CASE NO. C 09-01610 PJH)

1 1. In accordance with Civil Local Rule 7-7(b)(1), the parties in the above-captioned
2 action hereby stipulate and jointly request to the continuance of the hearing on Defendant's
3 Motion to Compel Arbitration and Stay Proceedings currently scheduled for February 3, 2010
4 until March 10, 2010 or the next available hearing date thereafter convenient to the Court.
5

6 2. The parties also request that the Court reschedule the Case Management Hearing to
7 immediately follow the rescheduled hearing on Defendant's Motion to Compel.

8 3. Good cause exists for these requests.

9 4. The hearing on Defendant's Motion to Compel was originally scheduled for
10 December 15, 2009. The Court also scheduled the parties' Case Management Conference to
11 immediately follow the hearing on that date.

12 5. On December 9, 2009, due to a conflict of interest, The Honorable Sandra Brown
13 Armstrong found it necessary to recuse herself as presiding judge of this matter. The case was
14 reassigned to The Honorable Phyllis J. Hamilton.
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16 6. On December 29, 2009, the Court reset the hearing date for Defendant's Motion to
17 Compel and the Case Management Conference for February 3, 2010.

18 7. Shortly thereafter, Daniel J. Layden, *pro hac vice* counsel and the attorney
19 responsible for arguing plaintiff's opposition to Defendant's Motion to Compel, realized that the
20 February 3, 2010 argument date conflicted with his defense of two Rule 30(b)(6) corporate
21 designee depositions on February 3 and 4, 2010, in a matter pending in the District of Connecticut.
22 Mr. Layden was unable to move those depositions.
23

24 8. On January 12, 2010, after being apprised of the scheduling conflict, counsel for
25 Defendant agreed to stipulate to the rescheduling of argument on the Motion to Compel until
26 February 17, 2010 or the next available date which was convenient for the Court.
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1 9. On February 3, 2010, the Court denied the parties' stipulation, noting that good
2 cause was not presented and that the Court's calendar was full on February 17, 2010.

3 10. Having now identified the good faith reasons for their joint request, particularly the
4 conflict of lead counsel for Plaintiff, the parties respectfully request that the Court consider and
5 accept this stipulation and joint request to reschedule the Hearing for Defendant's Motion to
6 Compel and the Case Management Conference until March 10, 2010 or the next available hearing
7 date thereafter available to the Court.
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Attorneys for Defendant Ordway
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

1/29/10
DATE

HON. PHYLLIS J. HAMILTON

