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9 Attorneys for Defendants and Counterclaimants
 10 PUBLIC PENSION PROFESSIONALS, INC., a
 11 California Corporation, IRA M. SUMMER

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 EVANSTON INSURANCE COMPANY, an
 15 ILLINOIS CORP.,
 16
 17 Plaintiff,
 18
 19 vs.
 20 PUBLIC PENSION PROFESSIONALS, a
 21 California Corp., IRA M. SUMMER, an
 22 individual, and FRESNO COUNTY
 23 EMPLOYEES' RETIREMENT ASSOCIATION
 24
 25 Defendants.

Case No.: C 09-01755 CW
**STIPULATION AND ORDER
 CONTINUING INITIAL CASE
 MANAGEMENT CONFERENCE AND
 DEADLINES**

26 PUBLIC PENSION PROFESSIONALS, INC., a
 27 California Corp., IRA M. SUMMER, an
 28 individual,
 Counterclaimants,
 vs.
 EVANSTON INSURANCE COMPANY, an
 ILLINOIS CORPORATION,
 Counterdefendant.

The parties hereto, by and through their counsel, John M. Hochhausler of Manning & Marder
 Kass, Ellrod, Ramirez LLP for Plaintiff and Counterdefendant Evanston Insurance Company, an
 Illinois Corporation (hereinafter "Evanston"), Bryan C. Vess of Bryan C. Vess APC for Defendant

1 Fresno County Employees' Retirement Association (hereinafter "FCERA") and Mary P. Derner of
2 Spaulding McCullough & Tansil LLP for Defendants and Counterclaimants Public Pension
3 Professionals, Inc., a California Corporation and Ira M. Summer (hereinafter "PPP and "Summer")
4 do hereby stipulate and request this Court as follows:

5 WHEREAS, on July 21, 2009, the Court issued an Order Continuing Initial Case
6 Management Conference And Deadlines (hereinafter the "Order"). Pursuant to the Order, the Court
7 set (1) September 14, 2009 as the last day to meet and confer regarding initial disclosures, early
8 settlement, ADR selection and discovery plan; (2) September 28, 2009 as the last day to complete
9 initial disclosures, file Rule 26(f) Report, state objections in Rule 26(f) Report and file Joint Case
10 Management Statement; and (3) October 6, 2009 for Initial Case Management Conference.

11 WHEREAS, on August 20, 2009, PPP and Summer filed a Motion To Stay Insurance
12 Coverage Action During The Pendency Of Underlying Liability Action Or, Alternatively, To Stay
13 Discovery By Plaintiff Evanston Insurance Company. The hearing on the Motion to Stay this action
14 is scheduled for September 24, 2009 at 2:00 p.m. in Courtroom 2.

15 WHEREAS, because of the filing of the Motion to Stay this action, the parties have jointly
16 agreed and stipulated to respectfully request this Court continue the Initial Case Management
17 Conference and all deadlines set in its July 21, 2009 Order in order that the parties may save the time
18 and expense of preparing initial disclosures, a Rule 26(f) Report and a Joint Case Management
19 Statement if this action is stayed by the Court. Continuing these deadlines and the Initial Case
20 Management Conference will not prejudice either party or their counsel and will promote judicial
21 economy.

22 WHEREAS, the parties agree the following constitutes good cause to continue the Initial Case
23 Management Conference, the deadlines for meet and confer regarding initial disclosures, the initial
24 disclosures, filing of a Rule 26(f) Report and filing of a Joint Case Management Statement.

25 IT IS HEREBY STIPULATED and agreed by Plaintiff and Defendants, though their
26 respective attorneys of record, that the Initial Case Management Conference currently set for
27 October 6, 2009 at 2:00 p.m., Courtroom 2, be continued to November 17, 2009, or to a date and time
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1 that the Court may deem appropriate.¹ The parties further stipulate to extend the following deadlines
2 accordingly: (1) last day to meet and confer regarding initial disclosures, early settlement, ADR
3 selection and discovery plan and file ADR certification and either Stipulation to ADR or Notice of
4 Need for ADR Phone Conference will be October 6, 2009; (2) last day to complete initial disclosures,
5 file Joint Case Management Statement, file/serve Rule 26(f) Report and state objections, will be
6 October 19, 2009.

7 *Pursuant to General Order 45, section X.B., I hereby attest that all parties concur in the filing*
8 *of the Stipulation And [Proposed] Order Continuing Initial Case Management Conference And*
9 *Deadlines.*

10 IT IS SO STIPULATED.

11 DATED: September 3, 2009

MANNING & MARDER KASS, ELLROD,
RAMIREZ LLP
Attorneys for Plaintiff and Counterdefendant
EVANSTON INSURANCE COMPANY

12
13
14 By: _____ /s/
15 JOHN M. HOCHHAUSLER

16 DATED: September 3, 2009

BRYAN C. VESS APC
Attorneys for Defendant
FRESNO COUNTY EMPLOYEES' RETIREMENT
ASSOCIATION

17
18
19 By: _____ /s/
20 BRYAN C. VESS

21
22 DATED: September 3, 2009

SPAULDING McCULLOUGH & TANSIL LLP
Attorneys for Defendants and Counterclaimants
PUBLIC PENSION PROFESSIONALS,
a California Corporation and IRA M. SUMMER

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25 By: _____ /s/
26 MARY P. DERNER

27 ¹ Judge Wilken is unavailable on October 27, 2009 and November 3, 2009 and November 10,
28 2009.

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ORDER

Having reviewed the Stipulation of the parties, and good cause appearing, IT IS HEREBY ORDERED that:

- 1. The Initial Case Management Conference on October 6, 2009, at 2:00 p.m. is continued to November 17, 2009, Courtroom 2 at 2:00 p.m.;
- 2. The last day to meet and confer regarding initial disclosures, early settlement, ADR selection and discovery plan and file ADR certification and either Stipulation to ADR or Notice of Need for ADR Phone Conference is October 6, 2009; and
- 3. The last day to complete initial disclosures, file a Joint Case Management Statement, file/serve Rule 26(f) Report and state objections is October 19, 2009.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

9/9/09



DATED: _____

CLAUDIA WILKEN
UNITED STATES DISTRICT COURT JUDGE