

1 Raymond J. Tittmann, No. 191298
CARROLL, BURDICK & McDONOUGH LLP
 2 Attorneys at Law
 44 Montgomery Street, Suite 400
 3 San Francisco, CA 94104
 Telephone: 415.989.5900
 4 Facsimile: 415.989.0932
 Email: rtittmann@cbmlaw.com

5 Attorneys for Defendant and Third Party Plaintiff
 6 AMERICAN SECURITY INSURANCE COMPANY

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 OAKLAND, CALIFORNIA

11 JAMES SUTTON AND LYNETTE
 SUTTON,

12 Plaintiff,

13 v.

14 AMERICAN SECURITY
 15 INSURANCE COMPANY, a
 Delaware Corporation, and DOES 1
 16 THROUGH 10,

17 Defendant.

No. 4:10-CV-05624 PJH

**THE PARTIES' STIPULATION AND
 REQUEST TO CONTINUE CASE
 MANAGEMENT CONFERENCE AND
 RELATED DEADLINES AND [~~PROPOSED~~]
 ORDER**

Date: September 29, 2011
 Time: 2:00 p.m.
 Dept.: Courtroom 3
 The Honorable Phyllis J. Hamilton

18 AMERICAN SECURITY
 19 INSURANCE COMPANY,

20 Third Party Plaintiff,

21 v.

22 HARTFORD FIRE INSURANCE
 23 COMPANY,

24 Third Party Defendant.

25 **STIPULATION**

26 IT IS HEREBY STIPULATED AND RESPECTFULLY REQUESTED, by
 27 and between plaintiffs and Lynette James Sutton, Defendant American Security Insurance
 28

1 Company (“American Security”), and Defendant Hartford Fire Insurance Company
2 (“Hartford”) (collectively, the Parties) that the initial Case Management Conference
3 currently scheduled for September 29, 2011 at 2:00 p.m. be continued to October 20, 2011
4 at 2:00 p.m., or as soon thereafter as the Court is available, and that all corresponding
5 deadlines shall be continued accordingly. (Though the Parties are available on October
6 20, 2011, the Parties believe the case management conference should be scheduled after
7 the October 21, 2011 mediation, and therefore request that the Court reschedule it for
8 October 27, 2011, or later.)

9 The parties jointly request this continuance because Mr. Sutton, who is
10 representing himself and Mrs. Sutton, is out of town unavailable until October 12, 2011.

11 The parties have met and conferred with respect to the Joint Case Management
12 Statement and are close to completing that document for filing. The parties are also
13 endeavoring to conduct a mediation on October 21, 2011. The parties intend to submit
14 ADR certifications and a stipulation and proposed order re mediation shortly in
15 compliance with the Court’s standing orders.

16 Before this matter was referred to District Court Judge Hamilton, and before
17 either of the defendants were served in this case, plaintiffs asked the Magistrate Judge for
18 two continuances of the initial case management conference, which were granted. No
19 continuances have been granted since American Security and Hartford have appeared (on
20 July 26, 2011 and September 14, 2011, respectively).

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Dated: September 23, 2011

CARROLL, BURDICK & McDONOUGH LLP

By _____ /S/
Raymond J. Tittmann
Attorneys for Defendant and Third Party Plaintiff
American Security Insurance Company

JAMES AND LYNETTE SUTTON

By _____ /S/
James Sutton
Pro Se and for Lynette Sutton

MICLEAN GLEASON LLP

By _____ /S/
Gary R. Gleason
Attorneys for Third Party Defendant
Hartford Fire Insurance Company

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GENERAL ORDER 45 CERTIFICATION

I, Raymond J. Tittmann, hereby attest pursuant to N.D. Cal. General Order No. 45 that the concurrence to the filing of this document has been obtained from each signatory.

Dated: September 23, 2011

CARROLL, BURDICK & McDONOUGH LLP

By _____ /S/
Raymond J. Tittmann
Attorneys for Defendant and Third Party Plaintiff
American Security Insurance Company

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT:

The Case Management Conference and hearing on Continental’s Motion to Dismiss is continued from September 29, 2011 at 2:00 p.m. to December 1, 2011 at 2:00. The parties’ Case Management Conference Statement shall be due one week in advance. All other deadlines shall be continued accordingly.

Dated: September 27, 2011

By _____ 