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

13 WESTCHESTER SURPLUS LINES
 14 INSURANCE COMPANY,
 15 Plaintiff,

16 vs.

17 URATA & SONS CEMENT, INC. and
 18 BOSA DEVELOPMENT CALIFORNIA II,
 19 INC.
 20 Defendants.

CASE NO. C 11-02438 PJH

**STIPULATION AND PROPOSED ORDER
 CONTINUING RESPONSIVE PLEADING
 DEADLINE AND RESCHEDULING CASE
 MANAGEMENT CONFERENCE**

21 **STIPULATION**

22 This is an insurance coverage dispute. Plaintiff Westchester Surplus Lines Insurance
 23 Company (“Westchester”) seeks a judicial declaration regarding its duties and obligations arising
 24 from an underlying action known as Liburd v. Bosa Development, Inc. et al., San Francisco Superior
 25 Court, Case No. CGC-09-491615 (the “Underlying Action”). Westchester, together with Defendant
 26 Urata & Sons Cement, Inc. (“Urata.” Collectively, the “Parties”) are presently negotiating issues in
 27 the Underlying Action which could materially affect the coverage questions herein.

1 The Parties believe that it would promote efficiency and conservation of the Court's and the
2 Parties' resources to continue pretrial deadlines while the Parties continue to negotiate.

3 THEREFORE, the Parties, through their undersigned counsel, hereby stipulate and agree:

4 1. Urata's responsive pleading deadline shall be continued to December 1, 2011.

5 2. The Case Management Conference current scheduled for November 17, 2011, shall be
6 continued to January 5, 2012.

7 **SO STIPULATED.**

8
9 Dated: November 7, 2011

NIXON PEABODY LLP

10
11 By /s/ Andrew Neilson

12 Attorneys for Plaintiff
13 WESTCHESTER SURPLUS LINES
14 INSURANCE COMPANY

15 Dated: November 7, 2011

ERICKSEN ARBUTHNOT LLP

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17 By /s/ Andrew Sclar

18 Attorneys for Defendant
19 URATA & SONS CEMENT, INC.

1 **PROPOSED ORDER**

2 For good cause appearing:

3 1. Defendant Urata & Sons, Inc.'s responsive pleading deadline is continued to
4 December 1, 2011.

5 2. The Case Management Conference currently scheduled for November 17, 2011, is
6 continued to January 5, 2012, at 2:00 p.m. in Courtroom 3, 3rd Floor, Federal Building, 1301 Clay
7 Street, Oakland, California. The parties shall meet and confer as required by FRCP 26(f) with respect
8 to those subjects set forth in FRCP 16(c). Not less than seven days before the conference, counsel
9 shall file a joint case management statement addressing each of the items listed in the "Standing
10 Order For All Judges of the Northern District – Contents of Joint Case Management statement." Any
11 request to reschedule the date of the conference shall be made in writing, and by stipulation if
12 possible, at least ten days before the date of the conference and must be based on good cause.

13 **IT IS SO ORDERED.**

14
15 Dated: November 10, 2011

