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8 Attorneys for Plaintiff
 9 WESTCHESTER SURPLUS LINES INSURANCE COMPANY

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

**SECOND 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 engaged in negotiations aimed at
 27 pragmatic resolution of the coverage issues 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 January 16, 2012.

5 2. The Case Management Conference currently scheduled for January 5, 2012, shall be
6 continued to February ²³~~24~~, 2012 .

7 **SO STIPULATED.**

8
9 Dated: December 1, 2011

NIXON PEABODY LLP

10
11 By /s/ Andrew Neilson

12 _____
13 Attorneys for Plaintiff
14 WESTCHESTER SURPLUS LINES
INSURANCE COMPANY

15 Dated: December 1, 2011

ERICKSEN ARBUTHNOT LLP

16
17 By /s/ Andrew Sclar

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

PROPOSED ORDER

For good cause appearing:

1. Defendant Urata & Sons, Inc.’s responsive pleading deadline is continued to January 16, 2012.

2. The Case Management Conference currently scheduled for January 5, 2012, is continued to February ²³~~24~~, 2012 at 2:00 p.m. in Courtroom 3, 3rd Floor, Federal Building, 1301 Clay Street, Oakland, California. The parties shall meet and confer as required by FRCP 26(f) with respect to those subjects set forth in FRCP 16(c). Not less than seven days before the conference, counsel shall file a joint case management statement addressing each of the items listed in the “Standing Order For All Judges of the Northern District – Contents of Joint Case Management statement.” Any request to reschedule the date of the conference shall be made in writing, and by stipulation if possible, at least ten days before the date of the conference and must be based on good cause.

IT IS SO ORDERED.

Dated: December 6, 2011

