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6 Attorneys for Defendant
 CHARTIS SPECIALTY
 7 INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 FEDERAL DEPOSIT INSURANCE) CORPORATION,) 12) Plaintiff,) 13) vs.) 14) SEONG HOON KONG, et al.,) 15) Defendants.)	Case No. C 12-2658 CW STIPULATION REQUESTING ORDER TO CONTINUE CASE MANAGEMENT CONFERENCES IN INSURANCE COVERAGE ACTIONS (L.R. 6-2(a)); DECLARATION OF WILLIAM C. MORISON; PROPOSED ORDER
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17 SEONG HOON HONG, et al.,) 18) Plaintiff,) 19) vs.) 20) CHARTIS SPECIALTY INSURANCE) COMPANY,) 21) Defendant.)	Case No. C 13-0777 CW
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23 YOUNG HO WON,) 24) Plaintiff,) 25) vs.) 26) CHARTIS SPECIALTY INSURANCE) COMPANY,) 27) Defendant.) 28)	Case No.: C 13-1029 CW
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1 SEONG HOON HONG,
2 Plaintiff,

3 vs.

4 CHARTIS SPECIALTY INSURANCE
5 COMPANY,
6 Defendant.

Case No.: C 13-1769 CW

7
8 WHEREAS on June 6, 2013, this Court issued an Order determining that the above-
9 referenced actions are "related cases" within the meaning of Local Rule 3-12, and scheduled a
10 Case Management Conference in each of the four related cases for June 20, 2013;

11 WHEREAS Local Rule 16-10 requires that lead trial counsel for each party attend the
12 initial Case Management Conference;

13 WHEREAS there has not been an initial Case Management Conference in any of the three
14 insurance coverage actions, *Hong et al v. Chartis Specialty Insurance Company*, Case No. C 13-
15 0777 CW, *Won v. Chartis Specialty Insurance Company*, Case No. C 13-1029 CW, and *Hong v.*
16 *Chartis Specialty Insurance Company*, Case No. C 13-1769 CW (collectively, "the Coverage
17 Actions"), referenced above, although there has been an initial Case Management Conference in
18 *Federal Deposit Insurance Corporation v. Hong et al.*, Case No. 12-2658 CW ("the Underlying
19 Action");

20 WHEREAS William C. Morison of Morison & Prough, LLP, lead counsel for defendant
21 Chartis Specialty Insurance Company in the Coverage Actions, is unavailable on June 20, 2013,
22 as he will be attending an all-day, multi-party mediation in another case in San Francisco (*see*
23 Declaration of William C. Morison, ¶ 2, filed concurrently herewith);

24 WHEREAS, the parties in the Coverage Actions have not yet met and conferred regarding
25 the 20 subjects to be addressed in the Case Management Conference Statements, pursuant to the
26 Standing Order for All Judges of the Northern District of California and Local Rule 16-9, as the
27 earliest Case Management Conference scheduled in any of the three Coverage Actions, before the
28 cases were ordered related, was not until July 15, 2013, in *Won v. Chartis Specialty Insurance*

1 *Company*, Case No. C 13-1029;

2 WHEREAS the parties normally must discuss a proposed discovery plan at least 21 days
3 before the Case Management Conference and must submit a Joint Case Management Conference
4 Statement at least 14 days before the Case Management Conference, neither of which is possible
5 in the Coverage Actions if the Case Management Conference occurs on June 20, 2013;

6 WHEREAS on June 10, 2013, the Court ordered that a Joint Case Management
7 Conference Statement is due in less than four days on June 13, 2013 – the entire period of which
8 CSIC's representative is unavailable to review, consult on and approve any draft Joint Case
9 Management Conference Statement (*see* Declaration of William C. Morison, ¶ 4);

10 WHEREAS the parties in the Coverage Actions believe that they will benefit from a brief
11 continuance of the Case Management Conferences to allow the attorneys representing a total of
12 11 parties in the three Coverage Actions to meet and confer regarding the required subjects,
13 prepare and circulate three draft Joint Case Management Conference Statements, make revisions
14 satisfactory to all parties, and, if agreement can be reached, submit joint statements to the Court
15 (the Federal Deposit Insurance Corporation would not be involved in such meet and confer or
16 scheduling discussions as they relate to the initial Case Management Conferences);

17 WHEREAS there have been no previous time modifications in any of the Coverage
18 Actions;

19 WHEREAS the requested continuance of the Case Management Conferences should have
20 little impact on the schedules for the Coverage Actions, as no trial dates or other deadlines have
21 been scheduled; and

22 WHEREAS the Federal Deposit Insurance Corporation has no objection to a continuance
23 of the Case Management Conferences in the Coverage Actions, although it would strongly object
24 if the Case Management Conference in the Underlying Action, which is a further Case
25 Management Conference and not an initial Case Management Conference, is continued beyond
26 June 20, 2013, the date set by the Court in September 2012;

27 WHEREAS, the parties in the Coverage Actions do not object to the June 20, 2013 date
28 for the Case Management Conference in the Underlying Action;

1 IT IS HEREBY STIPULATED by and between the parties through their designated
2 counsel that the Case Management Conferences in the Coverage Actions currently scheduled for
3 June 20, 2013, be continued to July 17 or 18, 2013, or other date suitable for the Court, and that
4 the parties must submit Joint Case Management Conference Statements or individual Case
5 Management Conference Statements in the Coverage Actions 14 days before that date.

6 Dated: June 10, 2013

Respectfully submitted,

7 MORISON & PROUGH, LLP

8
9 By: /s/ William C. Morison

10 Attorneys for Defendant
11 CHARTIS SPECIALTY
INSURANCE COMPANY

12 *Hong et al. v. Chartis Specialty*
13 *Insurance Company, Case No.*
14 *C 13-777 CW; Hong v. Chartis*
15 *Specialty Insurance Company,*
16 *Case No. C 13-01769 CW; and*
17 *Won v. Chartis Specialty Insurance*
18 *Company, Case No. C 13-1029 CW*

19 The undersigned have given authority to counsel for Chartis Specialty Insurance Company
20 to file this Stipulation and [Proposed] Order on their behalf.
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Dated: June 10, 2013

KIM, SHAPIRO, PARK & LEE

By: /s/ Steve E. Shapiro

Attorneys for Plaintiffs in the
Coverage Actions and Defendants
in the Underlying Action
DAVID CHIU, JUNG MIN MOK,
SANGCHOL AN, CHANG K.
CHANG, YONG OH CHOI,
TONY HUEY, JUNG KIM and
BHUPENDRA PATEL

*Hong et al. v. Chartis Specialty
Insurance Company, Case No. C 13-777
CW*

Dated: June 10, 2013

PARK & SYLVA

By: /s/ Daniel E. Park

Attorneys for Plaintiff
SEONG HOON HONG

*Hong v. Chartis Specialty Insurance
Company, Case No. C 13-01769 CW*

Dated: June 10, 2013

NASSIRI & JUNG, LLP

By: /s/ Kassra P. Nassiri

Attorneys for Plaintiff
YOUNG HO WON

*Won v. Chartis Specialty Insurance
Company, Case No. C 13-1029 CW*

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Dated: June 10, 2013

NIXON PEABODY LLP

By: /s/ Anthony J. Barron

Attorneys for Plaintiff
FEDERAL DEPOSIT INSURANCE
CORPORATION AS RECEIVER
FOR INNOVATIVE BANK

*Federal Deposit Insurance Corporation
as Receiver for Innovative Bank, Case No.
C 12-2658 CW*

~~PROPOSED~~ ORDER

Pursuant to Stipulation and the accompanying Declaration of William C. Morison, it is ordered that the Case Management Conference in the three Coverage Actions is continued to July 18, 2013. The parties to the Coverage Actions are to submit Joint Case Management Conference Statements or individual Case Management Conference Statements no later than 7 days before that date. The date of the Case Management Conference in *Federal Deposit Insurance Corporation v. Hong et al.*, Case No. 12-2658 CW, remains June 20, 2013.

Dated: 6/11/2013


United States District Court Judge

152006v2

1 WILLIAM C. MORISON (No. 99981)
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2 PHILIP D. WITTE (No. 112217)
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6 Attorneys for Defendant
CHARTIS SPECIALTY
7 INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 FEDERAL DEPOSIT INSURANCE)
11 CORPORATION,)

12 Plaintiff,)

13 vs.)

14 SEONG HOON KONG, et al.,)

15 Defendants.)

Case No. C 12-2658 CW

DECLARATION OF WILLIAM C.
MORISON IN SUPPORT OF
STIPULATION REQUESTING ORDER
TO CONTINUE CASE MANAGEMENT
CONFERENCES IN COVERAGE
ACTIONS (L.R. 6-2 (a))

16 SEONG HOON HONG, et al.,)

17 Plaintiff,)

18 vs.)

19 CHARTIS SPECIALTY INSURANCE)
20 COMPANY,)

21 Defendant.)

Case No. C 13-0777 CW

22 YOUNG HO WON,)

23 Plaintiff,)

24 vs.)

25 CHARTIS SPECIALTY INSURANCE)
26 COMPANY,)

27 Defendant.)

Case No.: C 13-1029 CW

1 SEONG HOON HONG,
2 Plaintiff,

3 vs.

4 CHARTIS SPECIALTY INSURANCE
5 COMPANY,
6 Defendant.

Case No.: C 13-1769 CW

7
8 I, William C. Morison, having been duly sworn, state as follows:

9 1. I am a partner in Morison & Prough, LLP, and I am lead counsel for defendant
10 Chartis Specialty Insurance Company ("CSIC") in the coverage actions referenced above,
11 captioned *Hong et al v. Chartis Specialty Insurance Company*, Case No. C 13-0777 CW, *Won v.*
12 *Chartis Specialty Insurance Company*, Case No. C 13-1029 CW, and *Hong v. Chartis Specialty*
13 *Insurance Company*, Case No. C 13-1769 CW. I have personal knowledge of the facts stated
14 herein and, if called as a witness, I could and would competently testify thereto. I make this
15 declaration in support of the parties' Stipulated Request to Continue Case Management
16 Conferences.

17 2. On June 20, 2013, I am scheduled to attend an all-day, multi-party mediation in
18 another case in San Francisco, which has been pending for more than five years. That mediation
19 was scheduled several weeks ago, and participants will include client representatives who will fly
20 from the East Coast to attend. I am the only attorney representing the client on coverage issues
21 who has attended previous mediation sessions in that case. Therefore, I will not be able to appear
22 at the Case Management Conferences that this Court scheduled in the above-captioned cases for
23 that same date.

24 3. CSIC requests a continuance for the additional reason that it will allow time to
25 meet and confer with plaintiffs' attorneys in the three coverage actions regarding the 20 subjects
26 to be addressed in the Case Management Conference Statements. No meet and confer session has
27 taken place yet, as the earliest Case Management Conference scheduled in any of the three
28 coverage actions, before the cases were ordered related, was not until July 15, 2013, in *Won v.*

1 *Chartis Specialty Insurance Company.*

2 4. This morning, the Court issued an Order that a Joint Case Management
3 Conference Statement is due in less than four days on June 13, 2013. CSIC's representative in
4 this action is on vacation and wholly unavailable this week. She must be consulted regarding,
5 review, and approve for filing, any Joint Case Management Conference Statement. No other
6 CSIC representative has familiarity with the details of the case. CSIC requires that all court
7 filings be pre-approved by the representative handling the case. We do not have the authority to
8 make such decisions for our client.

9 5. The 10 plaintiffs in the coverage actions are represented by three law firms. The
10 parties will need to meet and confer in each of the three actions, prepare and circulate three draft
11 Joint Case Management Conference Statements, make revisions satisfactory to all parties, and, if
12 agreement can be reached, submit joint statements to the Court. Normally, this process for a
13 single case would begin at least three weeks before the Case Management Conference, so that a
14 joint statement can be submitted by the required 14 days before the conference. Given that the
15 three coverage cases will now be proceeding simultaneously, CSIC anticipates that the meet and
16 confer process will take substantially more time, even if the parties are fully cooperative, as CSIC
17 hopes will be the case.

18 6. There have been no previous time modifications in any of the coverage actions.

19 7. A brief continuance of the Case Management Conferences should have little
20 impact on the schedules for the coverage actions, as no trial dates or other deadlines have been
21 scheduled. In addition, efficiency will be served if the parties have sufficient time before the
22 Case Management Conferences to reach agreement on issues to be addressed at the Case
23 Management Conferences.

24 8. CSIC acted with dispatch in making its request. Two hours after the Court issued
25 the Order Relating Cases and scheduled the Case Management Conferences for June 20, 2013,
26 CSIC's counsel advised counsel in the related cases by e-mail of my unavailability, and requested
27 alternative dates.

28 I declare under penalty of perjury under the laws of the United States that the foregoing is

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true and correct, and was executed on June 10, 2013, in Walnut Creek, California.

/s/ William C. Morison

152012

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6 Attorneys for Defendant
7 CHARTIS SPECIALTY
INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 FEDERAL DEPOSIT INSURANCE CORPORATION,) Case No. 4:12-cv-02658 CW
11)
12 Plaintiff,)
13 vs.)
14 SEONG HOON KONG, et al.,)
15 Defendant.)

CERTIFICATE OF SERVICE

16 SEONG HOON HONG, et al.,) Case No. 4:13-cv-777 CW
17)
18 Plaintiff,)
19 vs.)
20 CHARTIS SPECIALTY INSURANCE)
21 COMPANY,)
22 Defendant.)

22 YOUNG HO WON,) Case No.: 4:13-cv-1029 CW
23)
24 Plaintiff,)
25 vs.)
26 CHARTIS SPECIALTY INSURANCE)
27 COMPANY,)
28 Defendant.)

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SEONG HOON HONG,

Plaintiff,

vs.

CHARTIS SPECIALTY INSURANCE
COMPANY,

Defendant.

Case No.: 3:13-cv-01769 CW

I, the undersigned, an employee of Morison & Prough, LLP, located at 1550 Parkside Drive, Third Floor, Walnut Creek, California 94596, am over the age of 18 years and not a party to this matter, action or proceeding.

On June 10, 2013, I served a copy of the following document(s):

STIPULATION REQUESTING ORDER TO CONTINUE CASE MANAGEMENT CONFERENCES IN INSURANCE COVERAGE ACTIONS (L.R. 6-2)a);
DECLARATION OF WILLIAM C. MORISON; [PROPOSED] ORDER

DECLARATION OF WILLIAM C. MORISON IN SUPPORT OF STIPULATION REQUESTING ORDER TO CONTINUE CASE MANAGEMENT CONFERENCES IN COVERAGE ACTIONS (L.R. 6-2)a);

CERTIFICATE OF SERVICE

to the person(s) at the address(es) shown below:

Anthony J. Barron, Esq.
Nixon Peabody
One Embarcadero Center, 18th Floor
San Francisco, CA 94111
Telephone: (415) 984-8200
Facsimile: (415) 984-8300
abarron@nixonpeabody.com

Attorneys for Plaintiff
Federal Deposit Insurance Corporation
as Receiver for Innovative Bank

 BY ELECTRONIC TRANSMISSION: I caused the above-referenced document(s) to be electronically served on the person(s) listed on this Proof of Service at the electronic notification address(es) shown.

 X **BY U.S. MAIL:** I placed the document(s) for collection and processing for mailing with the United States Postal Service in Walnut Creek, California. I am readily familiar with this

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firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and processing for mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope or package with postage fully prepaid.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 10, 2013, at Walnut Creek, California.



Lisa Breen

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