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8 THE TRAVELERS INDEMNITY COMPANY OF

9 CONNECTICUT, also erroneously sued as THE

10 TRAVELERS INSURANCE COMPANY; THE

11 TRAVELERS INDEMNITY COMPANY; and

12 TRAVELERS PROPERTY AND CASUALTY

13 COMPANY OF AMERICA

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28 DEBRA ERNST and WILLIAM ERNST

[CAPTION CONTINUED ON NEXT PAGE]

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 ULISES VALDEZ; VALDEZ & SONS
5 VINEYARD MANAGEMENT, A
6 CALIFORNIA CORPORATION,

7 Plaintiffs,

8 v.

9 THE TRAVELERS INDEMNITY COMPANY
10 OF CONNECTICUT; THE TRAVELERS
11 INDEMNITY COMPANY; TRAVELERS
12 PROPERTY AND CASUALTY COMPANY
13 OF AMERICA; AND THE TRAVELERS
14 INSURANCE COMPANY,

15 Defendants.

Case No. 12-CV-4307 SBA

**AMENDED JOINT STIPULATION FOR
CONTINUANCE OF ALL PRE-TRIAL
DATES AND TRIAL DATES; ORDER**

16 WILLIAM ERNST,

17 Plaintiff,

18 v.

19 THE TRAVELERS INDEMNITY COMPANY
20 OF CONNECTICUT, THE TRAVELERS
21 PROPERTY CASUALTY COMPANY OF
22 AMERICA, and THE TRAVELERS
23 INSURANCE COMPANY,

24 Defendants.

Case No. 13-CV-0463 SBA

25 DEBRA ERNST AND WILLIAM ERNST,

26 Plaintiffs,

27 v.

28 THE TRAVELERS INDEMNITY COMPANY
OF CONNECTICUT, THE TRAVELERS
PROPERTY CASUALTY COMPANY OF
AMERICA, and THE TRAVELERS
INSURANCE COMPANY,

Defendants.

Case No. C-13-CV-0464 SBA

1 WHEREAS, the court in each of the three above-captioned related actions –*Valdez, et*
2 *al. v. The Travelers Indemnity Company of Connecticut, et al.*, United States District Court for
3 the Northern District of California, Case No. 12-cv-4307-SBA, *Ernst v. The Travelers*
4 *Indemnity Company of Connecticut, et al.*, United States District Court for the Northern
5 District of California, Case No. 13-cv-0463-SBA, and *Ernst, et al. v. The Travelers Indemnity*
6 *Company of Connecticut, et al.*, United States District Court for the Northern District of
7 California, Case No. 13-cv-0464-SBA – through its Order for Pretrial Preparation issued on
8 June 27, 2013 (ECF 44), Order for Pretrial Preparation issued on June 27, 2013 (ECF 23), and
9 Consolidated Order for Pretrial Preparation issued on October 28, 2013 (ECF 16), respectively,
10 set the following deadlines:

- 11 • Non-expert discovery completion: **December 20, 2013**
- 12 • Plaintiffs’ designation of experts: **December 20, 2013**
- 13 • Defendants’ designation of experts: **December 20, 2013**
- 14 • Rebuttal disclosure of experts: **January 3, 2014**
- 15 • Expert discovery completion: **January 24, 2014**
- 16 • Dispositive motion cut-off: **February 18, 2014**
- 17 • Mandatory settlement conference:
 - 18 • *Valdez, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, United
 - 19 States District Court for the Northern District of California, Case No. 12-cv-4307-
 - 20 SBA: **Between February 24, 2014 and March 21, 2014**
 - 21 • *Ernst v. The Travelers Indemnity Company of Connecticut, et al.*, United States
 - 22 District Court for the Northern District of California, Case No. 13-cv-0463-SBA:
 - 23 **Between February 24, 2014 and March 21, 2014**
 - 24 • *Ernst, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, United States
 - 25 District Court for the Northern District of California, Case No. 13-cv-0464-SBA:
 - 26 **Between March 3, 2014 and March 21, 2014**
- 27 • Pre-trial preparation:

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- *Valdez, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, United States District Court for the Northern District of California, Case No. 12-cv-4307-SBA: **March 25, 2014**

- *Ernst v. The Travelers Indemnity Company of Connecticut, et al.*, United States District Court for the Northern District of California, Case No. 13-cv-0463-SBA: **March 25, 2014**

- *Ernst, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, United States District Court for the Northern District of California, Case No. 13-cv-0464-SBA: **March 24, 2014**

- Pre-trial conference:
 - *Valdez, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, United States District Court for the Northern District of California, Case No. 12-cv-4307-SBA: **April 29, 2014**

 - *Ernst v. The Travelers Indemnity Company of Connecticut, et al.*, United States District Court for the Northern District of California, Case No. 13-cv-0463-SBA: **April 29, 2014**

 - *Ernst, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, United States District Court for the Northern District of California, Case No. 13-cv-0464-SBA: **April 28, 2014**

- Motions in limine and objections to evidence:
 - *Valdez, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, United States District Court for the Northern District of California, Case No. 12-cv-4307-SBA: **April 1, 2014**

 - *Ernst v. The Travelers Indemnity Company of Connecticut, et al.*, United States District Court for the Northern District of California, Case No. 13-cv-0463-SBA: **April 1, 2014**

- 1 • *Ernst, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, United States
2 District Court for the Northern District of California, Case No. 13-cv-0464-SBA:
3 **March 31, 2014**
- 4 • Responses to motions in limine and objections to evidence:
- 5 • *Valdez, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, United
6 States District Court for the Northern District of California, Case No. 12-cv-4307-
7 SBA: **April 8, 2014**
- 8 • *Ernst v. The Travelers Indemnity Company of Connecticut, et al.*, United States
9 District Court for the Northern District of California, Case No. 13-cv-0463-SBA:
10 **April 8, 2014**
- 11 • *Ernst, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, United States
12 District Court for the Northern District of California, Case No. 13-cv-0464-SBA:
13 **April 7, 2014**
- 14 • Replies to motions in limine and objections to evidence:
- 15 • *Valdez, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, United
16 States District Court for the Northern District of California, Case No. 12-cv-4307-
17 SBA: **April 15, 2014**
- 18 • *Ernst v. The Travelers Indemnity Company of Connecticut, et al.*, United States
19 District Court for the Northern District of California, Case No. 13-cv-0463-SBA:
20 **April 15, 2014**
- 21 • *Ernst, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, United States
22 District Court for the Northern District of California, Case No. 13-cv-0464-SBA:
23 **April 14, 2014**
- 24 • Trial:
- 25 • *Valdez, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, United
26 States District Court for the Northern District of California, Case No. 12-cv-4307-
27 SBA: **May 12, 2014**
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- 1 • *Ernst v. The Travelers Indemnity Company of Connecticut, et al.*, United States
2 District Court for the Northern District of California, Case No. 13-cv-0463-SBA:
3 **May 12, 2014**
- 4 • *Ernst, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, United States
5 District Court for the Northern District of California, Case No. 13-cv-0464-SBA:
6 **May 28, 2014.**

7 WHEREAS, the parties have been engaged in discovery in each of the three above-
8 captioned actions, including written discovery, requests for production, third party document
9 subpoenas, and depositions;

10 WHEREAS, the parties continue to be engaged in discovery, and need to take
11 numerous additional depositions, some of which pertain to all three related actions;

12 WHEREAS, based on the discovery to date, and in part to potentially avoid the
13 necessity of taking many of the numerous additional depositions, the parties to the above-
14 captioned actions have agreed to participate in a mediation with Hon. Jack Komar (Ret.),

15 WHEREAS, the parties wish to postpone most or all of the depositions until after the
16 mediation, such that those depositions are only necessary if the cases do not resolve by
17 mediation;

18 WHEREAS, the parties agree that all deadlines identified herein (and any others
19 identified by the Court) should be continued by approximately thirty days in order to allow the
20 parties to postpone all of the depositions until after mediation;

21 WHEREAS, the parties previously submitted a joint stipulation to continue certain
22 pretrial deadlines (ECF No. 54 in *Valdez, et al. v. The Travelers Indemnity Company of*
23 *Connecticut, et al.*, United States District Court for the Northern District of California, Case No.
24 12-cv-4307-SBA);

25 WHEREAS, the parties understand that the Court does not wish to continue only certain
26 pre-trial deadlines, and would prefer to continue all pre-trial and trial dates;

27 WHEREAS, the parties now seek a continuance of all pre-trial and trial dates mentioned
28 above, as well as any others identified by the Court, by approximately thirty days;

STIPULATION

NOW THEREFORE, it is agreed and stipulated by and between:

1. Defendants The Travelers Indemnity Company of Connecticut (also erroneously sued as The Travelers Insurance Company¹), The Travelers Indemnity Company, and Travelers Property and Casualty Company of America (collectively, “Travelers”), by and through its counsel of record Benjamin E. Shiftan of Sedgwick LLP;

2. Plaintiffs Ulises Valdez and Valdez & Sons Vineyard Management, by and through their counsel of record Matthew R. Lilligren of Abbey, Weitzenberg, Warren & Emery;

3. Plaintiffs William Ernst and Debra Ernst, by and through their counsel of record Peter L. Simon, of Beyers Costin, P.C., that:

The following dates previously set by order of the Court be continued and modified in each of the above-captioned actions as follows:

- The deadline for completing non-expert discovery shall be continued to **January 20, 2014** or any date thereafter that the Court orders.
- The deadline for plaintiffs to designate experts shall be continued to **January 20, 2014** or any date thereafter that the Court orders.
- The deadline for defendants to designate experts shall be continued to **January 20, 2014** or any date thereafter that the Court orders.
- The deadline for plaintiffs and defendants to designate rebuttal experts shall be continued to **February 3, 2014** or any date thereafter that the Court orders.
- The deadline for completing expert discovery shall be continued to **February 24, 2014** or any date thereafter that the Court orders.
- The deadline for dispositive motions to be heard shall be continued to **March 28, 2014** or any date thereafter that the Court orders.
- The deadline for mandatory settlement conferences shall be continued to **between March 24, 2014 and April 21, 2014** or any dates thereafter that the Court orders.

¹ The purported entity “The Travelers Insurance Company” does not exist.

- 1 • The deadline for pre-trial preparation shall be continued to **April 25, 2014** or any date
2 thereafter that the Court orders.
- 3 • The pre-trial conference shall be continued to **May 29, 2014** or any date thereafter that
4 the Court orders.
- 5 • The deadline for motions in limine and objections to evidence shall be continued to **May**
6 **1, 2014** or any date thereafter that the Court orders.
- 7 • The deadline for responses to motions in limine and objections to evidence shall be
8 continued to **May 8, 2014** or any date thereafter that the Court orders.
- 9 • The deadline for replies to motions in limine and objections to evidence shall be
10 continued to **May 15, 2014** or any date thereafter that the Court orders.
- 11 • Trial in *Valdez, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, United
12 States District Court for the Northern District of California, Case No. 12-cv-4307-SBA
13 shall be continued from May 12, 2014 to **June 16, 2014** or any date thereafter that the
14 Court orders;
- 15 • Trial in *Ernst v. The Travelers Indemnity Company of Connecticut, et al.*, United States
16 District Court for the Northern District of California, Case No. 13-cv-0463-SBA: shall be
17 continued from May 12, 2014 to **June 16, 2014** or any date thereafter that the Court
18 orders
- 19 • Trial in *Ernst, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, United
20 States District Court for the Northern District of California, Case No. 13-cv-0464-SBA
21 shall be continued from May 28, 2014 to **June 30, 2014** or any date thereafter that the
22 Court orders.
- 23 • Any other pre-trial or trial dates in the above-referenced matters that are not mentioned
24 herein but identified by the Court shall be continued for 30 days or longer to any date the
25 Court orders.

26 IT IS SO STIPULATED.

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DATED: November 13, 2013 SEDGWICK LLP

By: /s/ Benjamin E. Shiftan
Benjamin E. Shiftan
Attorneys for Defendants
THE TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, also erroneously sued as THE
TRAVELERS INSURANCE COMPANY; THE
TRAVELERS INDEMNITY COMPANY; and
TRAVELERS PROPERTY AND CASUALTY
COMPANY OF AMERICA

DATED: November 13, 2013 ABBEY, WEITZENBERG, WARREN & EMERY, P.C.

By: /s/ Matthew R. Lilligren
Matthew R. Lilligren
Attorneys for Plaintiffs
ULISES VALDEZ; VALDEZ & SONS VINEYARD
MANAGEMENT, A CALIFORNIA CORPORATION

DATED: November 13, 2013 BEYERS | COSTIN LLP

By: /s/ Peter Simon
Peter Simon
Attorneys for Plaintiffs
DEBRA ERNST and WILLIAM ERNST

Filer's Attestation: Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, Benjamin E. Shiftan hereby attests that concurrence in the filing of this document has been obtained.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 14, 2013


HONORABLE SAUNDRA BROWN ARMSTRONG
United States District Court Judge