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25 UNITED STATES DISTRICT COURT

26 FOR THE NORTHERN DISTRICT OF CALIFORNIA

27 EDD KING, DIEDRE KING, ELMO
 28 SHEEN, and SHEILA LEE, on behalf of
 themselves and all others similarly situated,

Plaintiffs,

v.

29 NATIONAL GENERAL INSURANCE
 30 COMPANY, NATIONAL GENERAL
 31 ASSURANCE COMPANY, INTEGON
 32 NATIONAL INSURANCE COMPANY,
 33 INTEGON PREFERRED INSURANCE
 34 COMPANY, MIC GENERAL INSURANCE
 35 CORPORATION, PERSONAL EXPRESS
 36 INSURANCE COMPANY, SEQUOIA
 37 INSURANCE COMPANY, and DOES 1
 38 through 200, inclusive,

Defendants.

Case No. 4:15-cv-00313-DMR

**STIPULATED REQUEST FOR ORDER
 CONTINUING CASE MANAGEMENT
 DATES [L.R. 6-2] AND ORDER (AS MODIFIED)**

Dept.: Courtroom 4 – 3rd Floor
 Oakland Courthouse
 The Honorable Judge Donna M. Ryu

Action Filed: January 22, 2015

1 Pursuant to Northern District of California Civil Local Rule ("LR") 6-2, Plaintiffs EDD
2 KING, DIEDRE KING, ELMO SHEEN, and SHEILA LEE, ("Plaintiffs") and Defendants
3 NATIONAL GENERAL INSURANCE COMPANY, NATIONAL GENERAL ASSURANCE
4 COMPANY, INTEGON NATIONAL INSURANCE COMPANY, INTEGON PREFERRED
5 INSURANCE COMPANY, MIC GENERAL INSURANCE CORPORATION, PERSONAL
6 EXPRESS INSURANCE COMPANY, and SEQUOIA INSURANCE COMPANY,
7 ("Defendants") by and through their respective counsel of record, hereby submit the instant
8 Stipulated Request for Order Continuing Case Management Dates ("Stipulation"), subject to
9 Court approval, as follows:

10 WHEREAS, Plaintiffs filed their Class Action Complaint in the above-captioned action on
11 January 22, 2015;

12 WHEREAS, on February 14, 2017, the Court issued a Primary Jurisdiction Referral Order
13 referring this case to the California Department of Insurance ("Department") for it to consider
14 certain issues raised in this action;

15 WHEREAS, on November 10, 2020, the Department issued a letter (ECF 152-1) concluding
16 this Court's February 14, 2017 Primary Jurisdiction Referral, returning this case to the Court for
17 further proceedings;

18 WHEREAS, on January 28, 2021, Plaintiffs filed their Fourth Amended Complaint (ECF
19 163);

20 WHEREAS, on February 11, 2021, Defendants filed a motion to dismiss and motion to
21 strike the Fourth Amended Complaint (ECF 164-166) which this Court heard on April 22, 2021,
22 and granted in part by Order on Defendants' Motion to Dismiss (ECF 183) dated June 11, 2021.
23 The Court also lifted the stay on discovery in this case.

24 WHEREAS, on July 1, 2021, Defendants filed their Answer to the Fourth Amended Class
25 Action Complaint (ECF 184);

26 WHEREAS, on August 4, 2021, the Court held a Further Case Management Conference and
27 issued a Civil Conference Minute Order (ECF 187) setting case deadlines including that the
28 Parties must participate in private mediation by February 1, 2022;

1 WHEREAS, after the Court lifted the discovery stay on June 11, 2021, the Parties
2 commenced discovery and have, since that date, been conducting fact discovery, negotiated an
3 ESI Protocol which was approved by the Court (ECF 195) and a proposed Stipulated Protective
4 Order (ECF 209).

5 WHEREAS, on November 23, 2021, the Court issued an Order granting Defendant Sequoia
6 Insurance Company's Motion permitting withdrawal and substitution of Counsel (ECF 207);

7 WHEREAS, on January 7, 2022, the Court granted the Parties' stipulated request to extend
8 the mediation deadline. Order Extending Mediation Deadline [L.R. 6-2] (ECF 212). The Order
9 continued the mediation for ninety days, until May 2, 2022, and continued the deadline for the
10 Updated Joint Case Management Conference Statement to April 27, 2022; and set the Further
11 Case Management Conference for May 4, 2022.

12 WHEREAS, discovery between the Parties remains ongoing, but is not yet complete. Both
13 Plaintiffs and Defendants National General Insurance Company, National General Assurance
14 Company, Integon National Insurance Company, Integon Preferred Insurance Company, Mic
15 General Insurance Corporation, and Personal Express Insurance Company (the "National General
16 Defendants") have propounded discovery. In that regard, due to the complexity, number of issues
17 and number of parties, both have engaged in extensive meet and confer efforts, both by telephone
18 and through written correspondence, to narrow the issues and, to that end, are both preparing
19 supplemental responses. The National General Defendants' ability to locate and produce
20 documents has been complicated by the fact that, among other things, there are multiple insurance
21 carriers that involve multiple custodians for each carrier over a fourteen-year period of time over
22 which ownership of various carriers has changed hands multiple times. To date, these Defendants
23 have produced 112,981 pages of documents and production is continuing on a rolling basis. That
24 process is ongoing and the parties are proceeding diligently with discovery.

25 WHEREAS, Plaintiffs and Sequoia have corresponded multiple times regarding discovery
26 disputes and have met and conferred in an attempt to resolve the issues. Those discussions
27 remain ongoing. Sequoia states that it ceased selling PPA insurance in California in 2007 and
28 sold its interest in Personal Express Insurance Company in 2014. Accordingly, Sequoia has very

1 limited documents and information in its possession, custody, or control.

2 WHEREAS, each of the named Plaintiffs has been deposed. Plaintiffs have noticed
3 depositions of several of Defendants' employees. The Parties have agreed to postpone the
4 depositions of Defendants' employees while production continues.

5 WHEREAS, the Parties believe that, although they have been diligently litigating this case,
6 additional time is needed to complete the necessary discovery, pursue mediation and, if needed,
7 prepare this case for trial.

8 WHEREAS, no prior modifications have been requested or made to the case management
9 dates set by the Court in the Civil Conference Minute Order (ECF 187) but, as stated above, on
10 January 7, 2022, at the Parties' request, the Court extended the mediation date until May 2, 2022,
11 and the deadline for the Updated Joint Case Management Conference Statement to April 27,
12 2022; and set the Further Case Management Conference for May 4, 2022. Order Extending
13 Mediation Deadline [L.R. 6-2] (ECF 212).

14 WHEREAS, in light of the numerous discovery issues and discovery delays, the Parties
15 respectfully request that the Court extend the mediation date for approximately 120 days, and the
16 case management dates for approximately 180 days as follows:

| Event | Current Date | Proposed Date |
|--|--------------|---------------|
| Last day to conduct mediation | 5/2/2022 | 9/7/2022 |
| Updated Joint Case Management Statement | 4/27/2022 | 9/14/2022 |
| Further case management conference | 5/4/2022 | 9/21/2022 |
| Close of fact discovery | 8/4/2022 | 1/31/2023 |
| File class certification motion | 9/6/2022 | 3/6/2023 |
| Opposition to class certification motion | 11/1/2022 | 5/1/2023 |
| Reply re class certification | 12/13/2022 | 6/12/2023 |
| Plaintiffs' expert witness disclosure | 12/16/2022 | 6/15/2023 |
| Defendants' expert witness disclosure | 1/16/2023 | 7/17/2023 |
| Rebuttal expert disclosures due | 2/17/2023 | 8/16/2023 |
| Expert discovery cut-off | 4/17/2023 | 10/13/2023 |
| Last day for hearing dispositive motions | 6/22/2023 | 12/12/2023 |
| Trial date | NOT SET | |

1 NOW, THEREFORE, IT IS HEREBY STIPULATED, subject to Court approval, that the
2 following deadlines be extended as follows:

| 3 | Event | Date |
|----|--|---|
| 4 | Last day to conduct mediation | 9/7/2022 |
| 5 | Updated Joint Case Management Statement | 9/14/2022 |
| 6 | Further case management conference in Oakland, by Videoconference only | 9/21/2022 |
| 7 | Close of fact discovery | 1/31/2023 |
| 8 | File class certification motion | 3/6/2023 |
| 9 | Opposition to class certification motion | 5/1/2023 |
| 10 | Reply re class certification | 6/12/2023 |
| 11 | Plaintiffs' expert witness disclosure | 6/15/2023 |
| 12 | Defendants' expert witness disclosure | 7/17/2023 |
| 13 | Rebuttal expert disclosures due | 8/16/2023 |
| 14 | Expert discovery cut-off | 10/13/2023 |
| 15 | Last day for hearing dispositive motions | 12/14/2023 12/12/2023 |
| 16 | Trial date | Not Set |

17 Respectfully submitted,

18 Dated: April 27, 2022

By: /s/Michael F. Ram
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Dated: April 27, 2022

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COMPANY, MIC GENERAL
INSURANCE CORPORATION, and

PERSONAL EXPRESS INSURANCE
COMPANY

Dated: April 27, 2022

By: /s/Verona M. Sandberg
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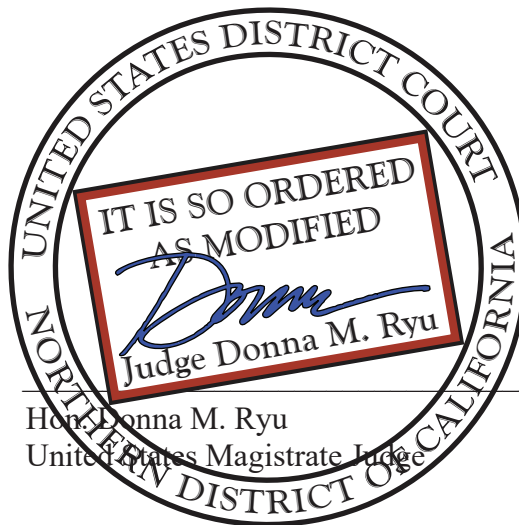
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ORDER (AS MODIFIED)

PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.

Dated: April 28, 2022



Hon. Donna M. Ryu
United States Magistrate Judge