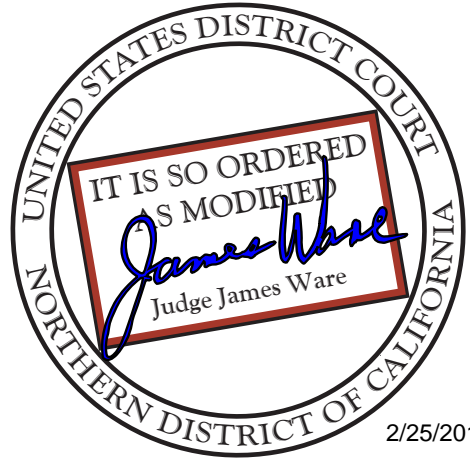


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*Attorneys for Thomas Dillon, as Court-*  
6 *Appointed Receiver for Vesta Strategies, LLC*  
*and Excalibur 1031 Group LLC*



7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN JOSE DIVISION**

11 UNITED STATES FIRE INSURANCE  
COMPANY, a corporation,

12 Plaintiff,

13 vs.

14 VESTA STRATEGIES, LLC, a limited  
liability company; SAMUEL W. HENKA, an  
individual,

15 Defendants.

16 THOMAS DILLON, as Receiver for Vesta  
Strategies, LLC

17 Counter-Claimant,

18 vs.

19 UNITED STATES FIRE INSURANCE  
20 COMPANY, a corporation.

21 Counter-Defendant.

22 THOMAS DILLON, as Court-Appointed  
Receiver for Vesta Strategies, LLC and  
23 Excalibur 1031 Group, LLC

24 Plaintiff,

25 vs.

26 CONTINENTAL CASUALTY COMPANY,  
an Illinois corporation,

27 Defendant.  
28

Case No.: C 09-02388 JW

**JOINT STIPULATION TO MOVE AND  
COMBINE HEARING DATES  
FOR MAY 2, 2011**

Case No.: C 10-5238-JW PSG

1 WHEREAS, in Civil Case No. 09-2388-JW, Counter-Defendant United States Fire  
2 Insurance (“U.S. Fire”) filed a Motion to Dismiss the Counterclaim filed by Thomas Dillon, the  
3 Court-Appointed Receiver for Vesta Strategies, LLC (“Receiver”), which set the motion hearing  
4 for March 7, 2011 (Docket No. 201);

5 WHEREAS, the Court noticed the continuance of the above hearing date to March 28,  
6 2011 (Docket No. 208), when counsel for the Receiver will be out of the country on a pre-paid  
7 trip to Argentina;

8 WHEREAS, in Civil Case No. 10-5238-JW, Defendant Continental Casualty Company  
9 (“CNA”) filed a Motion to Dismiss the Complaint filed by the Receiver (Docket No. 15) which  
10 set the hearing date for April 4, 2011;

11 WHEREAS, due to scheduling conflicts with the above hearing dates, counsel wish to  
12 combine both hearings to a future date agreed to by all parties;

13 NOW THEREFORE, pursuant to Civil L.R. 6-2 (a), the parties STIPULATE THAT the  
14 March 28, 2011 U.S. Fire hearing date and the April 4, 2011 CNA hearing date should be  
15 combined and moved to May 2, 2011.

16  
17 DATED: February 23, 2011

BULLIVANT HOUSER BAILEY PC

18 By /s/ Andrew B. Downs (by e-mail auth.)  
19 Andrew B. Downs, SBN 111435  
20 Norman J. Ronneberg, Jr., SBN 68233

21 Attorneys for Plaintiff and Counter-Defendant  
22 United States Fire Insurance Company

23 DATED: February 23, 2011

HOLLISTER & BRACE

24 By /s/ Robert L. Brace  
25 Robert L. Brace, SBN 122240  
Peter L. Candy, SBN 149976

26 Attorneys for Counter-Defendant Thomas  
27 Dillon as Receiver for Vesta Strategies, LLC  
28

1 DATED: February 23, 2011

TROUTMAN SANDERS

2 By /s/ Becki F. Kieffer (by e-mail Auth)  
3 Becki F. Kieffer, SBN 197773

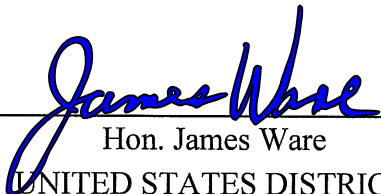
4 Attorneys for Defendant Continental Casualty  
5 Company

6 **CERTIFICATE OF SERVICE**

7 This document will be served by the Court via its CM/ECF system, thus pursuant to  
8 General Order 45, part IX, no Certificate of Service is necessary, except as to those  
9 parties not on the Court's electronic service list.<sup>1</sup> Plaintiff is informed and believes that  
10 all parties who have appeared to date have at least one of their attorneys on the  
11 electronic service list.

12  
13 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

14  
15 Dated: February 25, 2011

16  
17   
18 Hon. James Ware  
19 UNITED STATES DISTRICT CHIEF JUDGE

20  
21  
22  
23  
24  
25  
26  
27 <sup>1</sup> Comment to Civil Local Rule 5-6.  
28