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5 Attorneys for Defendant
 6 A&S METALS

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

11 NATIONAL UNION FIRE INSURANCE
 COMPANY OF PITTSBURGH,,

CASE NO. C-10-01324 JF

12 Plaintiff,

**STIPULATION AND ~~[PROPOSED]~~
 ORDER EXTENDING TIME FOR
 DEFENDANT A&S METALS TO
 ANSWER OR OTHERWISE RESPOND
 TO COMPLAINT**

13 v.

14 RESOURCE DEVELOPMENT
 15 SERVICES, INC., et al,

16 Defendant.

17
 18 STIPULATION

19 WHEREAS plaintiff National Union Fire Insurance Company of Pittsburgh (“National
 20 Union”) filed its original complaint in this action on March 29, 2010;

21 WHEREAS defendant A&S Metals of Los Banos, Inc. (incorrectly named in the
 22 complaint herein as A& S METALS) (hereinafter “A&S Metals”) was not served with a copy of
 23 the original complaint;

24 WHEREAS plaintiff National Union filed a First Amended Complaint on June 1, 2010;

25 WHEREAS defendant A&S Metals was served with a copy of the First Amended
 26 Complaint on or about July 9, 2010;

27 WHEREAS defendant A&S Metals recently retained counsel to represent them in this
 28 matter;

1 WHEREAS counsel for defendant A&S Metals require additional time to review the First
2 Amended Complaint and prepare an answer or other response thereto;

3 WHEREAS plaintiff's counsel does not object to extending the time in which defendant
4 A&S Metals may answer or otherwise respond to the First Amended Complaint;

5 WHEREAS the next hearing in this matter is presently scheduled for November 5, 2010,
6 and at which hearing this Honorable Court will rule upon the pending motions to dismiss the
7 First Amended Complaint and/or for more definite statement filed by and/or joined in by
8 multiple defendants;

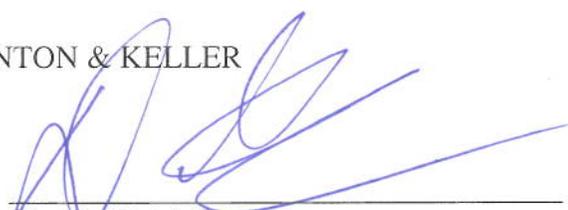
9 IT IS HEREBY AGREED AND STIPULATED that should this Court DENY the
10 pending motions to dismiss the First Amended Complaint and/or for more definite statement,
11 that the deadline by which A&S Metals must answer or otherwise respond to the First Amended
12 Complaint shall be November 9, 2010; and

13 IT IS FURTHER HEREBY AGREED AND STIPULATED that should this Court
14 GRANT the pending motions to dismiss the First Amended Complaint and/or for more definite
15 statement, that defendant A&S Metals will have 21 days from service of the Second Amended
16 Complaint to answer or otherwise respond to the Second Amended Complaint.

17 IT IS SO STIPULATED.

18 Dated: September 16, 2010

FENTON & KELLER

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20 By: 

Dennis G. McCarthy
Attorneys for Defendant
A&S METALS

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22
23 Dated: September __, 2010

ROPER, MAJESKI, KOHN & BENTLEY

24
25 By: _____

ERNEST E. PRICE
ARNOLD E. SKLAR
EUGENE S. SUH
Attorneys for Plaintiffs
NATIONAL UNION FIRE INSURANCE

1 WHEREAS counsel for defendant A&S Metals require additional time to review the First
2 Amended Complaint and prepare an answer or other response thereto;

3 WHEREAS plaintiff's counsel does not object to extending the time in which defendant
4 A&S Metals may answer or otherwise respond to the First Amended Complaint;

5 WHEREAS the next hearing in this matter is presently scheduled for November 5, 2010,
6 and at which hearing this Honorable Court will rule upon the pending motions to dismiss the
7 First Amended Complaint and/or for more definite statement filed by and/or joined in by
8 multiple defendants;

9 IT IS HEREBY AGREED AND STIPULATED that should this Court DENY the
10 pending motions to dismiss the First Amended Complaint and/or for more definite statement,
11 that the deadline by which A&S Metals must answer or otherwise respond to the First Amended
12 Complaint shall be November 9, 2010, and

13 IT IS FURTHER HEREBY AGREED AND STIPULATED that should this Court
14 GRANT the pending motions to dismiss the First Amended Complaint and/or for more definite
15 statement, that defendant A&S Metals will have 21 days from service of the Second Amended
16 Complaint to answer or otherwise respond to the Second Amended Complaint.

17 IT IS SO STIPULATED.

18 Dated: September 10, 2010

FENTON & KELLER

19
20 By: 

Dennis G. McCarthy
Attorneys for Defendant
A&S METALS

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22
23 Dated: September 16, 2010

ROPER, MAJESKI, KOHN & BENTLEY

24
25 By: 

ERNEST E. PRICE
ARNOLD E. SKLAR
EUGENE S. SUII
Attorneys for Plaintiffs
NATIONAL UNION FIRE INSURANCE

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ORDER

By stipulation, and for good cause shown, it is hereby ordered that should this Court deny the pending motions to dismiss the First Amended Complaint and/or for more definite statement, that the deadline by which defendant A&S Metals must answer or otherwise respond to the First Amended Complaint shall be November 9, 2010; and should this Court grant the pending motions to dismiss the First Amended Complaint and/or for more definite statement, that defendant A&S Metals will have 21 days from service of the Second Amended Complaint to answer or otherwise respond to the Second Amended Complaint.

IT IS SO ORDERED.

Dated: September 27, 2010



JEREMY FOGEL
UNITED STATES DISTRICT JUDGE