

5014.DGM111

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DENNIS G. MCCARTHY (Bar No. 118178)  
FENTON & KELLER  
A Professional Corporation  
2801 Monterey-Salinas Highway  
Post Office Box 791  
Monterey, CA 93942  
Telephone: 831-373-1241  
Facsimile: 831-373-7219  
  
Attorneys for Defendant  
A&S METALS

**\*\*E-Filed 9/9/2010\*\***

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH,,  
  
Plaintiff,  
  
v.  
  
RESOURCE DEVELOPMENT  
SERVICES, INC., et al,  
  
Defendant.

CASE NO. C-10-01324 JF

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

**STIPULATION**

WHEREAS plaintiff National Union Fire Insurance Company of Pittsburgh (“National Union”) filed its original complaint in this action on March 29, 2010;  
  
WHEREAS defendant A&S Metals of Los Banos, Inc. (incorrectly named in the complaint herein as A& S METALS) (hereinafter “A&S Metals”) was not served with a copy of the original complaint;  
  
WHEREAS plaintiff National Union filed a First Amended Complaint on June 1, 2010;  
  
WHEREAS defendant A&S Metals was served with a copy of the First Amended Complaint on or about July 9, 2010;  
  
WHEREAS defendant A&S Metals recently retained counsel to represent them in this 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 September 24,  
6 2010, and at which hearing this Honorable Court will rule upon the pending motions to dismiss  
7 the 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 September 28, 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 3, 2010

FENTON & KELLER

19  
20 By: 

Dennis G. McCarthy  
Brian E. Turlington  
Attorneys for Defendant  
A&S METALS

21  
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;

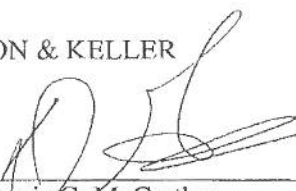
5 WHEREAS the next hearing in this matter is presently scheduled for September 24,  
6 2010, and at which hearing this Honorable Court will rule upon the pending motions to dismiss  
7 the First Amended Complaint and/or for more definite statement filed by and/or joined in by  
8 multiple defendants;

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 September 28, 2010; and

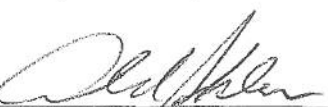
13 IT IS FURTHER HEREBY AGREED AND STIPULATED that should this Court  
14 GRANT the pending motions to dismiss the First Amended Complaint and/or for more definite  
15 statement, that defendant A&S Metals will have 21 days from service of the Second Amended  
16 Complaint to answer or otherwise respond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

17 IT IS SO STIPULATED.

18 Dated: September 3, 2010

FENTON & KELLER  
By:   
Dennis G. McCarthy  
Brian E. Turlington  
Attorneys for Defendant  
A&S METALS

23 Dated: September 7, 2010

ROPER, MAJESKI, KOHN & BENTLEY  
By:   
ERNEST E. PRICE  
ARNOLD E. SKLAR  
EUGENE S. SUH  
Attorneys for Plaintiffs  
NATIONAL UNION FIRE INSURANCE

ORDER

1  
2 By stipulation, and for good cause shown, it is hereby ordered that should this Court deny  
3 the pending motions to dismiss the First Amended Complaint and/or for more definite statement,  
4 that the deadline by which defendant A&S Metals must answer or otherwise respond to the First  
5 Amended Complaint shall be September 28, 2010; and should this Court grant the pending  
6 motions to dismiss the First Amended Complaint and/or for more definite statement, that  
7 defendant A&S Metals will have 21 days from service of the Second Amended Complaint to  
8 answer or otherwise respond to the Second Amended Complaint.

9 IT IS SO ORDERED.

10 Dated: September 9, 2010

11   
12 \_\_\_\_\_  
13 JEREMY FOGEL  
14 UNITED STATES DISTRICT JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28