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5 Attorney for 1777 LAFAYETTE PARTNERS

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
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11 1777 LAFAYETTE PARTNERS, a California ) Case No.: 5:10-cv-01863-RMW  
Limited Partnership, a California Limited )  
12 Partnership, ) STIPULATION AND ORDER  
13 Plaintiff, ) TO CONTINUE CASE MANAGEMENT  
14 vs. ) CONFERENCE  
15 GOLDEN EAGLE INSURANCE )  
COMPANY, PEERLESS INSURANCE )  
16 COMPANY, and DOES 1 to 10, )  
Defendant )

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18 Plaintiff Lafayette Partners (“Lafayette”) and Defendant Peerless Insurance Company  
19 (“Peerless”), each through their respective attorneys of record, hereby stipulate to continue  
20 the initial Case Management Conference currently scheduled for July 23, 2010, at 10:30 am  
21 until after the parties have completed private mediation of their disputes. Said stipulation is  
22 made in accordance with Northern District Local Rules 6-2, 7-12, or 16-2(e) and is based  
23 upon the following facts and circumstances:

24 WHEREAS, on March 23, 2010, Lafayette commenced Santa Clara County Superior  
25 Court Case No.: 110-CV-167182 entitled *1777 Lafayette Partners v. Golden Eagle*  
26 *Insurance, et al.*

27 WHEREAS, on April 29, 2010 Peerless filed its Petition for Removal of Civil Action  
28 Under 28 U.S.C. § 1441

MILLER, MORTON, CAILLAT & NEVIS, LLP  
25 Metro Drive, 7<sup>th</sup> Floor  
San Jose, CA 95110-1339

1           WHEREAS, on June 29, 2010, Lafayette filed its Stipulation and Order selecting  
2 Private ADR;

3           WHEREAS, on June 30, 2010, Peerless filed its Stipulation and Order selecting  
4 Private ADR;

5           WHEREAS, on July 9, 2010, the Court executed the Stipulation and Order selecting  
6 Private ADR;

7           WHEREAS, the parties contemplate that mediation will be completed by October 18,  
8 2010;

9           WHEREAS, the parties have already complied with all initial case management and  
10 disclosure requirements;

11           WHEREAS, the parties believe that continuance of the case management conference  
12 will enable the parties to better focus their efforts on reaching a negotiated settlement of their  
13 dispute and conserve judicial resources;

14           WHEREAS counsel for Lafayette was informed via the courtroom clerk for Hon.  
15 Judge Ronald M. Whyte, that the Court is generally amenable to such requests when the  
16 parties have stipulated to mediation;

17           WHEREAS, there have not been any prior continuances of any matter in this case;

18           WHEREAS, the parties do not believe that granted the requested continuance will  
19 impact any other deadlines in the case;

20           WHEREFORE the parties hereby stipulate as follows:

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1 The parties request that the July 23, 2010 case management conference be continued  
2 until after the October 18, 2010 deadline for completion of mediation efforts.

3 **IT IS SO STIPULATED.**

4 Dated: July 21, 2010

MILLER, MORTON, CAILLAT & NEVIS, LLP

5  
6 By: /s/ \_\_\_\_\_  
7 GREGORY J. KORBEL  
8 Attorneys for 1777 LAFAYETTE PARTNERS

9 Dated: July 21, 2010

ROPERS, MAJESKI, KOHN & BENTLEY

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11 By: /s/ \_\_\_\_\_  
12 PAMELA E. COGAN  
13 Attorneys for PEERLESS INSURANCE  
14 COMPANY

15 **ORDER**

16 **PURSUANT TO STIPULATION, IT IS SO ORDERED**, the Case Management  
17 Conference currently scheduled for July 23 at 10:30 am, is continued until  
18 October 22, \_\_\_\_\_, 2010.

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20 Dated: 7/22/10



Honorable Ronald M. Whyte  
United States District Court for the Northern  
District of California

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