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9 INTERNATIONAL FIDELITY INSURANCE
10 COMPANY

11 **THE UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 INTERNATIONAL FIDELITY
14 INSURANCE COMPANY, a New Jersey
15 corporation;

16 Plaintiff,

17 v.

18 DRAEGER CONSTRUCTION, INC. a
19 California corporation; JOHN E.
20 DRAEGER, an individual; JOHN E.
21 DRAEGER, TRUSTEE OF JOHN E.
22 DRAEGER REVOCABLE TRUST,
23 domiciled in California

24 Defendants.

CASE NO. 5:10-cv-04398-LHK

STIPULATION AND ~~(PROPOSED)~~
ORDER SETTING SCHEDULE FOR
BRIEFING FOR MOTION FOR
ATTORNEYS' FEES AND COSTS

As Modified

25 Pursuant to Local Rule 6-2(a) and Local Rule 7-12, plaintiff International Fidelity
26 Insurance Company ("IFIC") and defendants Draeger Construction, Inc., a California corporation;
27 John E. Draeger, an individual; John E. Draeger, Trustee Of John E. Draeger Revocable Trust,
28 (defendants may collectively be referred to as "Draeger"), hereby stipulate and request the Court
to set a briefing schedule for IFIC's motion for attorneys fees and costs following judgment as
follows:

a. Judgment pursuant to Rule 68 offer and acceptance was entered in favor of IFIC
on August 29, 2011;

b. The offer and acceptance included costs accrued to IFIC;

1 c. IFIC made a demand on Draeger, and Draeger made a counterproposal on
2 September 2, 2011, but it appears that the parties will be unable to resolve the matter without the
3 court ruling on recoverable costs and attorneys' fees.

4 d. IFIC and Draeger met and conferred and agreed upon a briefing schedule, which
5 includes a short extension of time based upon IFIC's and Draeger's attempts to discuss a
6 compromise, the Labor day holiday and IFIC's counsel's business travel commitments.

7 e. IFIC and Draeger have stipulated to one extension of case deadlines prior to the
8 entry of judgment. Neither party believes this extension will substantially impact the overall case
9 schedule.

10 As a result of the foregoing, IFIC and Draeger request that the court schedule a hearing as
11 soon as convenient and set the briefing deadlines as follows:

- 12 1. Moving papers filed on or before September 23, 2011;
- 13 2. Opposition papers filed on or before October 7, 2011;
- 14 3. Reply papers filed on or before October 14, 2011.

15 **IT IS SO STIPULATED.**

16 Dated: September 7, 2011

WATT, TIEDER, HOFFER
& FITZGERALD, L.L.P.

17
18
19 By: 

Andrew Van Ornum
avanornu@wthf.com
Attorneys for Plaintiff
INTERNATIONAL FIDELITY
INSURANCE COMPANY

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22 Dated: September 7, 2011

MORGAN, FRANICH, FREDKIN & MARSH

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25 By: 

ELIZABETH M. PAPPY, ESQ.
Attorneys for Defendants

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Based upon the stipulation of the parties and for good cause shown, the Court hereby orders the following briefing schedule on motions for attorneys' fees and costs:

1. Moving papers shall be filed on or before September 23, 2011;
2. Opposition papers shall be filed on or before October 7, 2011; and
3. Reply papers shall be filed on or before October 14, 2011.
4. A hearing is scheduled for December 8, 2011 at 1:30 p.m. The Court may resolve

the issue on the papers before that time. If it is able to do so, the Court will inform the parties prior to the hearing date.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 12, 2011



LUCY H. KOH
United States District Judge