

1 ANDREW VAN ORNUM (Bar No. 214040)
 2 REGINA A. VERDUCCI (Bar No. 264996)
 3 WATT, TIEDER, HOFFAR, AND FITZGERALD, L.L.P.
 333 Bush Street, Suite 1500
 4 San Francisco, California 94104
 Telephone: 415-623-7000
 5 Facsimile: 415-623-7001
 avanornu@wthf.com
 rverducc@wthf.com

6 Attorneys for Plaintiff
 7 INTERNATIONAL FIDELITY INSURANCE
 8 COMPANY

9 **THE UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11 INTERNATIONAL FIDELITY
 12 INSURANCE COMPANY, a New Jersey
 corporation;

13 Plaintiff,

14 v.

15 DRAEGER CONSTRUCTION, INC. a
 16 California corporation; JOHN E.
 17 DRAEGER, an individual; JOHN E.
 DRAEGER, TRUSTEE OF JOHN E.
 DRAEGER REVOCABLE TRUST,
 domiciled in California

18 Defendants.

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

**STIPULATION AND ~~PROPOSED~~
 ORDER RESCHEDULING HEARING
 DATE OF MOTION FOR ATTORNEYS'
 FEES AND COSTS**

19 Pursuant to Local Rule 6-2(a) and Local Rule 7-12, plaintiff International Fidelity
 20 Insurance Company ("IFIC") and defendants Draeger Construction, Inc., a California corporation;
 21 John E. Draeger, an individual; John E. Draeger, Trustee Of John E. Draeger Revocable Trust,
 22 (defendants may collectively be referred to as "Draeger"), hereby stipulate and request the Court
 23 reschedule the hearing date for IFIC's motion for attorneys fees and costs following judgment as
 24 follows:

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

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

1 c. IFIC's counsel has ongoing trial obligations which will continue through
2 December. In order to allow IFIC's counsel to attend the hearing, IFIC and Draeger met and
3 conferred and agreed upon rescheduling the hearing of IFIC's motion for attorneys' fees and
4 costs.

5 d. IFIC and Draeger have stipulated to one extension of case deadlines prior to the
6 entry of judgment and one extension of case deadlines after the entry of judgment. Neither party
7 believes this extension will substantially impact the overall case schedule.

8 As a result of the foregoing, IFIC and Draeger request that the court reset the hearing for
9 February 9, 2012 at 1:30 p.m.

10 **IT IS SO STIPULATED.**

11 Dated: November 30, 2011

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

12
13
14 By: 

Andrew Van Ornum
Regina A. Verducci
avanornu@wthf.com
rverducc@wthf.com
Attorneys for Plaintiff
INTERNATIONAL FIDELITY
INSURANCE COMPANY

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17
18 Dated: November 30, 2011

MORGAN, FRANICH, FREDKIN & MARSH

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20
21 By: 

ELIZABETH M. PAPPY, ESQ.
Attorneys for Defendants

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1 Based upon the stipulation of the parties and for good cause shown, the Court hereby
2 orders the hearing to be rescheduled for February 9, 2012 at 1:30 p.m.

3 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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5 Dated: December 2, 2011

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Lucy H. Koh

LUCY H. KOH
United States District Judge

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