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9 LIBERTY MUTUAL FIRE INSURANCE
10 COMPANY

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 BARRETT MCGRATH and BARBARA
14 MCGRATH,

15 Plaintiffs,

16 v.

17 LIBERTY MUTUAL FIRE INSURANCE
18 COMPANY, and DOES 1-50 inclusive,

19 Defendants

Case No. 5:10-CV-05263 JF

**STIPULATION AND ORDER TO EXTEND
TIME FOR WHICH TO COMPLETE
MEDIATION AND RESET FURTHER CASE
MANAGEMENT CONFERENCE**

20 The parties to this action, plaintiffs BARRETT MCGRATH and BARBARA MCGRATH,
21 and defendant LIBERTY MUTUAL FIRE INSURANCE COMPANY, by and through their
22 respective attorneys, stipulate as follows.

23 WHEREAS the parties were referred to private mediation during the Case Management
24 Conference held on February 25, 2011. A Further Case Management Conference was set 91 days
25 later to be held on May 27, 2011, the date set for after the time for completion of the private
26 mediation.

27 WHEREAS the mediation originally set for May 5, 2011 was set per the agreement of the
28 parties and in compliance with ADR L.R. 3.6 to complete the private mediation within 90 days
after the entry of an order referring the case to a specific ADR process, unless otherwise ordered.

WHEREAS plaintiff BARRETT MCGRATH has been traveling overseas and otherwise
tied up in business commitments and BARBARA MCGRATH has been occupied with a

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5 Barbara McGrath

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

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11 Barrett McGrath and Barbara McGrath

Case No. 5:10-CV-05263 JF

12 Plaintiffs,

**DECLARATION OF ROBERT C. CHILES
IN SUPPORT OF REQUEST FOR
FURTHER CASE MANAGEMENT
CONFERENCE**

13 vs.

14 Liberty Mutual Fire Insurance Company, Carlos
15 Encinas and DOES 1 - 50

16 Defendants.

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18 I, Robert C. Chiles, declare

- 19 1. I am the attorney for Barbara and Barrett McGrath in this action.
20 2. The McGraths reside in North Carolina.
21 3. This matter was originally scheduled for a case management conference on May 27, 2011
22 based upon the expectation that the parties would have completed mediation prior to that
23 time. In fact a mediation was scheduled on May 5, 2011 before Vivien Williamson in
24 Oakland, California. The McGraths had intended to be in California at that time because
25 they would also be attending an engagement party for their daughter.
26 4. The McGraths encountered difficulties in producing their documentation. Most of the
27 documents they have relating to this claim consist of e-mails many of which date back to
28 shortly after the time of the fire. They had difficulty assembling these documents and as a

1 result they were not able to complete their initial production due on April 1, 2011 and
2 instead were only able to make their initial production on April 15, 2011. Their difficulties
3 in assembling these materials were further aggravated by Mr. McGrath's work. The
4 company he works for recently received approval from European authorities for the
5 marketing of a new medication for patients suffering from terminal pulmonary illness. Mr.
6 McGrath was required to spend large amounts of time in Europe assisting in facilitating the
7 approval. His absences caused additional difficulties in locating and assembling the
8 materials that were need for production.

- 9 5. In mid-April I learned that Mrs. McGrath's 90 year old mother was seriously ill and was
10 hospitalized. Her condition began to rapidly decline. As a result of Mrs. McGrath's
11 mother's health, the McGraths cancelled the engagement party for their daughter set for the
12 weekend of April 30. They also advised that they were uncertain that they could attend the
13 mediation scheduled on May 5 because they did not know whether Mrs. McGrath's
14 mother's health would further deteriorate. In fact, Mrs. McGrath's mother passed away the
15 week of April 20th.
- 16 6. Because of uncertainty over the McGrath's availability due to Mrs. McGrath's mother's
17 illness, we concluded that the May 5th mediation date had to be changed. We subsequently
18 obtained additional mediation dates from Ms. Williamson and June 16th was the earliest
19 date that all parties were able to attend. The mediation has therefore been rescheduled for
20 that date.
- 21 7. I anticipate that all parties will be able to fully participate in the mediation on June 16th in
22 Oakland, California.
- 23 8. There have been no other changes to the mediation date other than the one described
24 above. The only other change to the scheduling I noted from the Court's docket is that the
25 original Case Management Conference date was rescheduled when this case was
26 reassigned.
- 27 9. Based upon the foregoing Plaintiffs have stipulated with Defendant to continue the status
28 conference now set for May 27, 2011 to a date after the mediation that now set for June 16.

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Executed under penalty of perjury under the laws of the State of California.

Dated: April 28, 2011

By: /s/ Robert C. Chiles
ROBERT C. CHILES
Attorneys for Plaintiffs Barrett McGrath and
Barbara McGrath