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Bentley	1	PAMELA E. COGAN (SBN 105089)		
	2	KUPEKS, MAJESKI, KUHN & BENTLE I		
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	4	Telephone: (650) 364-8200 Facsimile: (650) 780-1701		
	5	Attorneys for Defendant		
	6	LIBERTY MUTUAL FIRE INSURANCE COMPANY		
	7	UNITED STATES DISTRICT COURT		
	8	NORTHERN DISTRICT OF CALIFORNIA		
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	10	BARRETT MCGRATH and BARBARA	Case No. 5:10-CV-05263 JF	
	11	MCGRATH, Plaintiffs,	STIPULATION AND ORDER TO EXTEND TIME FOR WHICH TO COMPLETE	
Kohn Il Corpora Iod City	12	V.	MEDIATION AND RESET FURTHER CASE MANAGEMENT CONFERENCE	
Majeski Kohn & A Professional Corporation Redwood City	13	LIBERTY MUTUAL FIRE INSURANCE	WHI WIGHT OF THE TOP	
Majeski A Professiona Redwo	14	COMPANY, and DOES 1-50 inclusive,		
-	15	Defendants		
Ropers	16 17	The portion to this action plaintiffs D	ADDETT MCGDATU and BADBADA MCGDATU	
	18	The parties to this action, plaintiffs BARRETT MCGRATH and BARBARA MCGRATH,		
	. 19	and defendant LIBERTY MUTUAL FIRE INSURANCE COMPANY, by and through their		
	20	respective attorneys, stipulate as follows.  WHEREAS the parties were referred to private mediation during the Case Management		
	21	Conference held on February 25, 2011. A Further Case Management Conference was set 91 days		
oseny Munual Fine Insurances Company et a	22	later to be held on May 27, 2011, the date set for after the time for completion of the private		
	23	mediation.	, for uncer the time for completion of the private	
	24	WHEREAS the mediation originally set for May 5, 2011 was set per the agreement of the		
	25	parties and in compliance with ADR L.R. 3.6 to complete the private mediation within 90 days		
	26	after the entry of an order referring the case to a specific ADR process, unless otherwise ordered.		
	27	WHEREAS plaintiff BARRETT MCGRATH has been traveling overseas and otherwise		
	28	tied up in business commitments and BARBARA MCGRATH has been occupied with a		
		RC1/5964063.1/LLR	- 1 - Stipulation & Order to Reschedule Further  Case Management Conference	
		п	Lage Management Lonterence	

Case Management Conference

1 terminally ill parent, so Plaintiffs needed additional time to prepare for mediation. 2 THE PARTIES HEREBY STIPULATE to the rescheduling of the private mediation to 3 commence on June 16, 2011, before Vivien Williamson, Esq. In Oakland, California. 4 THE PARTIES FURTHER STIPULATE that the Further Case Management Conference, 5 currently set for May 27, 2011, at 10:30 a.m., in Courtroom 3, 5th Floor, of this Court, be reset for 6 the new date of July 8, 2011, at 10:30 a.m. 7 IT IS SO STIPULATED. 8 DATED: April 28, 2011 CHILES and PROCHNOW, LLP 9 10 By: ROBERT C. CHILES 11 Attorney for Plaintiffs BARRETT and BARBARA McGRATH 12 13 DATED: April 28, 2011 ROPERS, MAJESKI, KOHN & BENTLEY 14 By: 15 PAMELA E. COGAN LAURA L. REIDENBACH 16 Attorneys for Defendant LIBERTY MUTUAL FIRE INSURANCE COMPANY 17 18 **ORDER** 19 Pursuant to the Court's finding good cause for allowing the private mediation to occur 20 after the 90-day deadline, and allowing the Further Case Management Conference to be reset after 21 the conclusion of said mediation, including consideration of the Stipulation contained herein, 22 PURSUANT TO STIPULATION, IT IS SO ORDERED that the time to complete private 23 mediation is extended to June 20, 2011, and the Further Case Management Conference, currently 24 set for May 27, 2011, is reset for July 8, 2011, at 10:30 a.m., in Courtroom 3, 5th Floor. 25 26 5/9/11 DATED: 27 UNITED STATES DISTRICT 28

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Stipulation & Order to Reschedule Further Case Management Conference

RC1/5964063.1/LLR

1 2	Robert C. Chiles (SBN:056725) CHILES and PROCHNOW, LLP 2600 El Camino Real, Suite 412 Palo Alto, California 94306-1719 Telephone: 650-565-8208 Facsimile: 650-565-8221  Attorneys for Plaintiffs, Barrett McGrath and Barbara McGrath				
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6	Darvai	a MeGrani			
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8	UNITED STATES DISTRICT COURT				
9	NORTHERN DISTRICT OF CALIFORNIA				
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11	Barret	t McGrath and Barbara McGrath	Case No. 5:10-CV-05263 JF		
12		Plaintiffs,	DECLARATION OF ROBERT C. CHILES		
13		VS.	IN SUPPORT OF REQUEST FOR FURTHER CASE MANAGEMENT		
14	CONFERENCE Liberty Mutual Fire Insurance Company, Carlos				
15		as and DOES 1 - 50			
16		Defendants.			
17					
18	I, 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.	3. This matter was originally scheduled for a case management conference on May 27, 2011			
22		based upon the expectation that the partie	es would have completed mediation prior to that		
23		time. In fact a mediation was scheduled	on May 5, 2011 before Vivien Williamson in		
24		•	intended to be in California at that time because		
25		they would also be attending an engagem			
26	4. The McGraths encountered difficulties in producing their documentation. Most of the				
27			n consist of e-mails many of which date back to		
28		shortly after the time of the fire. They ha	d difficulty assembling these documents and as a		
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result they were not able to complete their initial production due on April 1, 2011 and instead were only able to make their initial production on April 15, 2011. Their difficulties in assembling these materials were further aggravated by Mr. McGrath's work. The company he works for recently received approval from European authorities for the marketing of a new medication for patients suffering from terminal pulmonary illness. Mr. McGrath was required to spend large amounts of time in Europe assisting in facilitating the approval. His absences caused additional difficulties in locating and assembling the materials that were need for production.

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

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1	Executed under penalty of perjury under the laws of the State of California.
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3	Dated: April 28, 2011
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5	Dev. /-/ Deleast C. Chiles
6	By: /s/ Robert C. Chiles  ROBERT C. CHILES
7	Attorneys for Plaintiffs Barrett McGrath and Barbara McGrath
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Case No. 5:10-CV-05263 JF Declaration of Robert C. Chiles