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The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BOARD OF TRUSTEES OF THE  
EMPLOYEE PAINTERS' TRUST; BOARD  
OF TRUSTEES OF THE WESTERN  
WASHINGTON PAINTERS DEFINED  
CONTRIBUTION PENSION TRUST;  
BOARD OF TRUSTEES OF THE DISTRICT  
COUNCIL NO. 5 APPRENTICESHIP AND  
TRAINING TRUST FUND; BOARD OF  
TRUSTEES OF THE INTERNATIONAL  
PAINTERS AND ALLIED TRADES  
INDUSTRY PENSION FUND; BOARD OF  
TRUSTEES OF THE FINISHING TRADES  
INSTITUTE; BOARD OF TRUSTEES OF  
THE PAINTERS AND ALLIED TRADES  
LABOR MANAGEMENT COOPERATION  
INITIATIVE; WESTERN WASHINGTON  
SIGNATORY PAINTING EMPLOYERS  
ASSOCIATION; AND INTERNATIONAL  
UNION OF PAINTERS AND ALLIED  
TRADES DISTRICT COUNCIL NO. 5,

Plaintiffs,

v.

CHAMPION PAINTING SPECIALTY  
SERVICES CORP., a Florida Corporation;  
CARLOS HERNANDEZ, an individual;  
BERKSHIRE HATHAWAY SPECIALTY  
INSURANCE COMPANY, a Nebraska  
Corporation; OLD REPUBLIC SURETY

Case No. 2:21-CV-00858-MJP

**FIRST STIPULATED MOTION TO  
EXTEND DEADLINE FOR  
DEFENDANT BERKSHIRE  
HATHAWAY SPECIALTY  
INSURANCE COMPANY TO  
RESPOND TO COMPLAINT**

**NOTE ON MOTION CALENDAR:  
November 12, 2021**

CAPTION (2:21-CV-00858-MJP) - 1

126127278  
60879124;2  
60906548;1

**FOX ROTHSCHILD LLP**  
1001 FOURTH AVENUE, SUITE 4500  
SEATTLE, WA 98154  
206.624.3600

1 COMPANY, a Wisconsin corporation;  
LIBERTY MUTUAL INSURANCE  
2 COMPANY, a Massachusetts corporation;  
WASHINGTON STATE DEPARTMENT OF  
3 TRANSPORTATION, a political subdivision  
of the State of Washington; ROGNLIN'S,  
4 INC., a Washington corporation; DOES &  
ROES I-X,  
5

6 Defendants.

7  
8 Plaintiffs Board of Trustees of the Employee Painters' Trust, *et al.* (collectively,  
9 “**Plaintiffs**”), acting by and through their Counsel, Christensen James & Martin, and Defendant  
10 Berkshire Hathaway Specialty Insurance Company (“**Berkshire**”), acting by and through its  
11 Counsel, Fox Rothschild, LLP and Akerman, LLP, hereby stipulate and agree as follows:

- 12 1. The Complaint in this matter was filed on June 25, 2021 [ECF No. 1].
- 13 2. Summonses were issued as to all Defendants on August 27, 2021 [ECF No. 5].
- 14 3. On October 22, 2021, the Insurance Commissioner of the State of Washington  
15 issued a certificate of acceptance of service with respect to Defendant Berkshire.
- 16 4. On November 11, 2021, Fox Rothschild, LLP and Akerman, LLP were engaged  
17 to represent Defendant Berkshire.
- 18 5. The current deadline for Defendant Berkshire to file a responsive pleading is  
19 November 12, 2021.
- 20 6. The parties have preliminarily discussed the possibility of settlement, but require  
21 additional time for further negotiations.
- 22 7. Plaintiffs and Defendant Berkshire agree to extend the deadline for Defendant  
23 Berkshire to file a responsive pleading in this matter to allow time for the parties to more fully  
24 explore settlement before significant fees and costs are incurred and to respond in good faith to  
25 the Complaint, if necessary.

26 CAPTION (2:21-CV-00858-MJP) - 2

1           8.       Plaintiffs and Defendant Berkshire hereby move the Court for an extension of the  
2 deadline for Defendant Berkshire to answer or otherwise respond to the Complaint to November  
3 30, 2021.

4           9.       This matter is scheduled for trial on October 31, 2022, and there are no motions  
5 currently pending.

6           10.      This is the first request for an extension of time for Defendant Berkshire to file a  
7 responsive pleading and is not requested to cause delay or for any other improper purpose.  
8

9                   DATED this 12 day of November, 2021

10           CHRISTENSEN JAMES & MARTIN

FOX ROTHSCHILD LLP

11  
12           By: s/ Wesley J. Smith  
13           Wesley J. Smith, WSV # 51934  
14           7440 W. Sahara Ave.  
15           Las Vegas, NV 89117  
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12           By: s/ Mary DePaolo Haddad  
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17           [MHaddad@FoxRothschild.com](mailto:MHaddad@FoxRothschild.com)

16           *Counsel for Plaintiffs Board of Trustees of the Employee Painters' Trust, et al.*   And

17                   AKERMAN LLP

18  
19                   s/ Amy Moor Gaylord  
20           Amy Moor Gaylord, Esq., *pro hac vice pending*  
21           71 S. Wacker Drive, 47<sup>th</sup> Fl  
22           Chicago, IL 60606  
23           Phone: (312) 870-8027  
24           Email: [amy.gaylord@akerman.com](mailto:amy.gaylord@akerman.com)

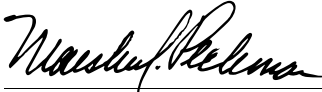
23                   *Attorneys for Defendants Champion Painting  
24                   Specialty Services Corp., Carlos Hernandez,  
25                   and Berkshire Hathaway Specialty Insurance  
26                   Company*

CAPTION (2:21-CV-00858-MJP) - 3

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**IT IS SO ORDERED.**

Dated: November 16, 2021.



Marsha J. Pechman  
United States Senior District Judge

CAPTION (2:21-CV-00858-MJP) - 4

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60879124;2  
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