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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LEXINGTON INSURANCE COMPANY,  
a Delaware Corporation,  
  
Plaintiff,  
  
v.  
  
SENTRY SELECT INSURANCE  
COMPANY, an Illinois Corporation,  
  
Defendant.

Case No. 1:08-cv-01539-LJO-SKO  
  
**ORDER ON LEXINGTON INSURANCE  
COMPANY'S MOTION TO COMPEL**  
  
**Pre-Trial Conference: October 4, 2010**  
**Trial: November 15, 2010**

On June 4, 2010, at 9:30 a.m., Lexington's Motion to Compel was heard before the Honorable Sheila K. Oberto. Attorney Annette A. Ballatore-Williamson appeared and argued on behalf of Plaintiff Lexington Insurance Company ("Lexington"). Attorney Vanessa L. O'Brien appeared and argued on behalf of Defendant Sentry Select Insurance Company ("Sentry"). At the Court's request, counsel for Lexington and Sentry met and conferred off the record regarding their discovery dispute. Ultimately, the parties were able to resolve some of their disputes with regard to Lexington's Special Interrogatories, Set Two, Nos. 16-18 and Request for Production, Set Two, Nos. 28-29.

Pursuant to the parties' agreement and for the reasons stated on the record, IT IS  
HEREBY ORDERED THAT:

1. No later than July 2, 2010, Defendant Sentry shall serve further responses to

1 Special Interrogatory No. 16, by stating the total number of third party claims handled by Sentry  
2 between January 1, 2005, to January 1, 2008, in which Sentry has contributed to a settlement in a  
3 wrongful death action filed in California on behalf of its insured pursuant to a commercial  
4 automobile insurance policy.

5 2. No later than July 2, 2010, Defendant Sentry shall serve further responses to  
6 Special Interrogatory No. 17, by providing the Plaintiff's name, county of venue, and case  
7 number for each third party claims handled by Sentry between January 1, 2005, to January 1,  
8 2008, in which Sentry has contributed to a settlement in a wrongful death action filed in  
9 California on behalf of its insured pursuant to a commercial automobile insurance policy.

10 3. No later than July 2, 2010, Defendant Sentry shall provide further responses to  
11 Special Interrogatory No. 18 by stating the amount Sentry contributed towards a settlement of a  
12 third party claim in a wrongful death action filed in California between January 1, 2005, and  
13 January 1, 2008, and handled by Sentry on behalf of its insured pursuant to a commercial  
14 automobile insurance policy. Sentry's response to Special Interrogatory No. 18 shall be further  
15 limited to only those settlement amounts which have been disclosed in the public record.

16 4. Pursuant to the parties' agreement, Sentry need not respond to Request for  
17 Production No. 28. Therefore, Lexington's Motion to Compel further responses to Request for  
18 Production of Documents No. 28 is denied.

19 5. No later than June 11, 2010, Defendant Sentry shall provide further responses to  
20 Request for Production of Documents No. 29, by producing all documents including, but not  
21 limited to, letters, reports or emails that Sentry sent to any reinsurer regarding the underlying  
22 *Moran* Action.

23  
24  
25 IT IS SO ORDERED.

26 Dated: June 10, 2010

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE