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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

HARTFORD CASUALTY INSURANCE
COMPANY,

Plaintiff,

v.

AMERICAN DAIRY & FOOD
CONSULTING LABORATORIES, INC.,
and DOES 1 through 10, inclusive,

Defendants.

CASE NO. 1:09-cv-00914-OWW-SKO

**ORDER ON STIPULATION RE:
DISCOVERY DISPUTE AND
MOTION TO COMPEL**

(Docket Nos. 35, 36, 78, 79)

AMERICAN DAIRY & FOOD
CONSULTING LABORATORIES, INC.,

Counter-Claimant,

v.

HARTFORD CASUALTY INSURANCE
COMPANY,

Counter-Defendant,

Counsel for Defendant/Counter-Claimant American Dairy and Food Consulting Laboratories, Inc. ("American Dairy"), by and through its attorneys of record, James H. Wilkins of Wilkins, Drolshagen & Czesinski, LLP, and Plaintiff/Counter-Defendant Hartford Casualty Insurance Company ("Hartford"), by and through its attorneys of record, Catherine Rivard of Mendes & Mount, LLP, have met and conferred, with assistance from Magistrate Judge Oberto, and stipulated to the

1 following with respect to the outstanding discovery dispute.¹

2 1. With respect to Interrogatories 8-12, and Request for Production of Documents 18-
3 20, relating to the potential of Hartford asserting advice of counsel as a defense to claims of breach
4 of the implied covenant of good faith and fair dealing and punitive damages, Hartford shall notify
5 American Dairy by no later than September 3, 2010, whether it is electing to assert said defense in
6 this action. If Hartford elects to assert advice of counsel as a defense in this action, it shall then
7 provide full and complete responses to Interrogatories 8-12 and Request for Production of
8 Documents 18-20 within 30 days following its election.

9 2. American Dairy has agreed to withdraw Interrogatory 17 and therefore no further
10 response will be required of Hartford.

11 3. With respect to Request for Production of Documents 12-16, relating to the claim
12 manuals and guidelines available for reference in the handling and adjusting of claims, Hartford shall
13 produce, no later than July 23, 2010, the guidelines or manuals for commercial property policies
14 which set forth guidelines that would be applicable to the handling of theft and/or vandalism claims
15 which were venued in California for the time frame January 1, 2008, through December 31, 2009.

16 4. With respect to Request for Production of Documents No. 17, relating to underwriting
17 guidelines and/or manuals, Hartford shall produce to American Dairy by no later than July 16, 2010,
18 the table of contents for the underwriting manual applicable to Spectrum commercial property
19 policies during the time period January 1, 2007, through December 31, 2008. American Dairy shall
20 then identify what portions of the manual it seeks to have produced and Hartford shall then produce
21 the requested portions within two weeks thereafter. To the extent any disagreements occur with
22 respect to the requested designated portions, counsel shall meet and confer and if the disagreement
23 is not resolved, shall notify Magistrate Judge Oberto.

24 5. With respect to Request for Production of Documents 32 through 35, relating to
25 marketing materials provided to the Renaissance Insurance Agency, Hartford shall produce by July
26 23, 2010, the "New Appointment Package" provided to Renaissance Insurance Agency, and shall
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28 ¹ The parties' Stipulation Re: Discovery Dispute was filed as Doc. #79.

1 make a good faith effort to identify any additional responsive materials for commercial property
2 policies for the time period January 1, 2007, through December 31, 2008, which shall be produced
3 by August 16, 2010.

4 6. With respect to Request for Production of Documents 36-37, relating to property
5 inspections, Hartford shall produce by July 23, 2010, the checklist guideline used for the loss control
6 inspection of American Dairy's property in April 2008, and shall make a good faith effort to identify
7 any additional training materials and/or guidelines applicable for property inspections involving
8 commercial property policies during the period January 1, 2007, through December 31, 2008, which
9 shall be produced by August 16, 2010.

10 7. Production of documents pursuant to this stipulation shall be subject to and
11 contingent upon with the entry of a protective order governing the confidentiality of such documents
12 or the execution of a mutually agreeable confidentiality agreement.

13
14 IT IS SO ORDERED.

15 **Dated: July 13, 2010**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE