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12 EXXONMOBIL OIL CORPORATION

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 EXXONMOBIL OIL CORPORATION,
16 Plaintiff,
17 v.
18 NICOLETTI OIL, INC. *et al.*,
19 Defendants.

No. 1:09-cv-01498-OWW-DLB

**STIPULATION AND ORDER RE
SCHEDULING CONFERENCE AND
DISCLOSURES**

Second Amended Complaint
filed: Jun. 7, 2010

Honorable Oliver W. Wanger

20 WHEREAS, an initial scheduling conference in this
21 proceeding is set for October 22, 2010 at 8:15 a.m.;

22 WHEREAS, the parties have agreed to conduct an early
23 mediation in this matter on November 16-17, 2010 before Timothy
24 Gallagher, Esq.;

25 WHEREAS, the parties have agreed that, on or before
26 October 7, 2010, defendants shall provide plaintiff with
27 information concerning defendants' insurance coverage, including
28 copies of all policies, the names and addresses of the insurance
companies, the names of all insureds, the policy numbers, dates

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STIPULATION AND [PROPOSED] ORDER RE SCHEDULING CONFERENCE AND DISCLOSURES

1 and types of coverage, the limits of coverage, and whether any
2 reservations of rights or coverage disputes exist;

3 WHEREAS, the parties have agreed to exchange the
4 information required by Fed. R. Civ. P. 26(a)(1) on or before
5 October 29, 2010; and

6 WHEREAS, the parties have agreed to exchange copies of
7 all documents, electronically stored information, and tangible
8 things that the disclosing party has in its possession, custody,
9 or control and may use to support its claims or defenses, unless
10 the use would be solely for impeachment, on or before
11 November 30, 2010.

12 THEREFORE, IT IS HEREBY STIPULATED AND AGREED that:

13 1. The initial scheduling conference should be
14 continued to December 10, 2010 at 8:15 a.m.

15 2. On or before October 7, 2010, defendants shall
16 provide plaintiff with information concerning defendants'
17 insurance coverage, including copies of all policies, the names
18 and addresses of the insurance companies, the names of all
19 insureds, the policy numbers, dates and types of coverage, the
20 limits of coverage, and whether any reservations of rights or
21 coverage disputes exist.

22 3. On or before October 29, 2010, the parties shall
23 exchange the information required by Fed. R. Civ. P. 26(a)(1).

24 4. On or before November 30, 2010, the parties shall
25 exchange copies of all documents, electronically stored
26 information, and tangible things that the disclosing party has
27 in its possession, custody, or control and may use to support
28

1 its claims or defenses, unless the use would be solely for
2 impeachment.

3 DATED: September 29, 2010

4 BINGHAM MCCUTCHEN LLP

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7 By: /s/ Berj K. Parseghian
8 Berj K. Parseghian
9 Attorneys for Plaintiff
10 ExxonMobil Oil Corporation

11 TATRO TEKOSKY SADWICK LLP

12 By: /s/ Steven R. Tekosky (as
13 authorized on September 29, 2010)
14 Steven R. Tekosky
15 Attorney for Defendants
16 Nicoletti Oil, Inc., Dino J.
17 Nicoletti, Nicoletti Oil
18 Company, and John A Nicoletti

19 IT IS SO ORDERED.

20 Dated: September 29, 2010

21 /s/ Oliver W. Wanger
22 UNITED STATES DISTRICT JUDGE