

1 SEDGWICK, DETERT, MORAN & ARNOLD LLP  
2 BRUCE D. CELEBREZZE Bar No. 102181  
3 bruce.celebrezze@sdma.com  
4 RANDALL BLOCK Bar No. 121330  
5 randall.block@sdma.com  
6 One Market Plaza, Steuart Tower, 8th Fl.  
7 San Francisco, California 94105  
8 Telephone: (415) 781-7900  
9 Facsimile: (415) 781-2635

10 Attorneys for Defendants  
11 CHARTER OAK FIRE INSURANCE COMPANY,  
12 TRAVELERS PROPERTY CASUALTY COMPANY  
13 OF AMERICA, and ST. PAUL FIRE & MARINE  
14 INSURANCE COMPANY

15 UNITED STATES DISTRICT COURT

16 EASTERN DISTRICT OF CALIFORNIA

17 SETTON INTERNATIONAL FOODS,  
18 INC., AND SETTON PISTACHIO OF  
19 TERRA BELLA, INC.,

20 Plaintiffs,

21 v.

22 CHARTER OAK FIRE INSURANCE  
23 COMPANY, TRAVELERS PROPERTY  
24 CASUALTY COMPANY OF AMERICA,  
25 ST. PAUL FIRE & MARINE  
26 INSURANCE COMPANY, GREAT  
27 NORTHERN INSURANCE COMPANY,  
28 and FEDERAL INSURANCE  
COMPANY,

Defendants.

CASE NO. 10-CV-00469-OWW-GSA

**FURTHER STIPULATION TO STAY  
LITIGATION PENDING EFFORTS TO  
SETTLE, AND ORDER THEREON**

**JUDGE: HON. OLIVER W. WANGER**

1 Plaintiffs SETTON INTERNATIONAL FOODS, INC., AND SETTON PISTACHIO OF  
2 TERRA BELLA, INC. (together, “Setton”) and defendants CHARTER OAK FIRE  
3 INSURANCE COMPANY, TRAVELERS PROPERTY CASUALTY COMPANY OF  
4 AMERICA, and ST. PAUL FIRE & MARINE INSURANCE COMPANY (together, the  
5 “Travelers entities”), and GREAT NORTHERN INSURANCE COMPANY, and FEDERAL  
6 INSURANCE COMPANY (together, the “Chubb entities”), hereby stipulate to stay the above  
7 captioned action upon the terms and conditions set forth below:

8 **PREMISES**

9 A. In November 2009, the Travelers entities filed suit against Setton and the Chubb  
10 entities in the United States District Court for the Eastern District of New York.

11 B. In March 2010, Setton filed suit against the Travelers entities and the Chubb entities  
12 in the United States District Court for the Eastern District of California.

13 C. In response to the respective actions, Setton filed a motion to stay or transfer venue in  
14 the case currently venued in New York, and Travelers filed a motion to stay or transfer venue in  
15 the case currently venued in California, which motion was joined by the Chubb entities.

16 D. On July 16, 2010, the parties filed a stipulation to stay all litigation for 60 days  
17 pending settlement discussions. If settlement discussions were unsuccessful, the parties agreed  
18 that the United States District Court for the Eastern District of New York would decide the venue  
19 motion before it, and the parties would abide by the Court’s decision subject to the right to  
20 appeal. This Court entered an order upon the stipulation.

21 E. To date, the parties have been unable to resolve the dispute subject of the New York  
22 and the California actions. The United States District Court for the Eastern District of New York  
23 has not yet ruled on the venue motion.

24 F. After entering an order upon the parties’ stipulation, the Court entered a minute order  
25 requiring the parties by October 22, 2010, to meet and confer with respect to scheduling and on  
26 October 29, 2010, to appear at a scheduling conference.

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1 **STIPULATION**

2 WHEREFORE, Setton, the Travelers entities and the Chubb entities hereby stipulate as  
3 follows:

4 1. The above captioned action (but not the action in New York) shall be stayed for 45  
5 additional days from the date of the scheduling conference, or until December 13, 2010. The  
6 scheduling conference scheduled for October 29, 2010, shall be taken off calendar.

7 2. All other provisions contained in the original stipulation and order which are not  
8 inconsistent with this stipulation shall remain in full force and effect.

9  
10 DATED: October 13, 2010 SEDGWICK, DETERT, MORAN & ARNOLD LLP

11  
12 By: \_\_\_\_\_ /s/  
13 BRUCE D. CELEBREZZE Bar No. 102181  
14 RANDALL G. BLOCK Bar No. 121330  
15 Attorneys for Defendants CHARTER OAK FIRE  
16 INSURANCE COMPANY, TRAVELERS PROPERTY  
CASUALTY COMPANY OF AMERICA, and ST.  
PAUL FIRE & MARINE INSURANCE COMPANY

17 DATED: October 13, 2010 COVINGTON & BURLING LLP

18  
19 By: \_\_\_\_\_ /s/  
20 LAWRENCE A. HOBEL Bar No. 73364  
21 Attorneys for Plaintiffs SETTON INTERNATIONAL  
22 FOODS, INC., AND SETTON PISTACHIO OF TERRA  
23 BELLA, INC.

24 DATED: October 13, 2010 COZEN O'CONNOR

25 By: \_\_\_\_\_ /s/  
26 CHARLES WHEELER Bar No. 82915  
27 Attorneys for Defendants GREAT NORTHERN  
28 INSURANCE COMPANY, and FEDERAL INSURANCE  
COMPANY

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IT IS SO ORDERED.

Dated: October 13, 2010

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE