FILED LEWIS BRISBOIS BISGAARD & SMITH LLP JEFFERY G. BAIREY, SB# 111271 Email: bairey@lbbslaw.com ALISON YEW, SB 173158 DEC 1 3 2012 3 Email: yew@lbbslaw.com 333 Bush Street, Suite 1100 CLERK, U.S. DISTRICT COURT San Francisco, California, 94104-2872 Telephone: 415.362.2580 5 Facsimile: 415.434.0882 Attorneys for Defendant 3SJ TRANSPORTATION LLC (Doe 2) 7 8 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION 9 10 11 Topa Insurance Company, CASE NO. 1:11-CV-1573-MJS 12 Plaintiff, STIPULATION TO CONTINUE MOTION TO DISMISS; 13 ORDER VS. 14 | Amrinder Singh, an individual; Pawandeep Date: December 14, 2012 Singh, an individual; Linton Stone Weeks and Time: 9:30 a.m. 15 | Jan Taylor Weeks, individuals; Jorge Adrian Dept.: Chavero, an individual; Rebecca Chavero, an Hon. Magistrate Judge Michael J. Seng 16 | individual; DBi Services, LLC, a corporation; Royal Freight, LP, a corporation; Progressive 17 | Insurance Company, a corporation; Hiscox Insurance Company, a corporation; Northland 18 Insurance Company, a corporation; Truck Service, Inc., a corporation; Intrade Industries, 19 Inc. (Doe Defendant 1); 3SJ Transportation, LLC (Doe Defendant 2); and Does 3 through 20 50, inclusive, Defendants. 21 22 23 Whereas, Topa Insurance Company has filed the within First Amended Complaint; 24 Whereas, 3SJ Transportation, LLC, named as Doe Defendant #2, has filed a Motion to 25 Dismiss in response to the First Amended Complaint; 26 Whereas, the Motion to Dismiss is scheduled to be heard on December 14, 2012; 27 Whereas, the parties in this interpleader action and in the related state matter of Weeks v. Singh have agreed to a global settlement in principal and are working on the terms of a written 4829-6285-2882.1

STIPULATION TO CONTINUE MOTION TO DISMISS; [PROPOSED] ORDER

agreement; 1 2 Whereas, the global settlement contemplates dismissals of all related action, including the 3 subject federal court interpleader action filed by Topa Insurance; 4 The parites Topa Insurance and 3SJ Transportation herby stipulate to a continuance of the Motion to Dismiss for a minimum of 30 days, with the expectation that this matter will be 5 dismissed prior to the continued hearing date. 6 7 IT IS SO STIPULATED. 8 DATED: December 12, 2012 SELMAN BREITMAN LLP 10 11 /s/ Linda IIsu By: Linda Hsu 12 Attorneys for Plaintiff Topa Insurance 13 14 15 DATED: December 12, 2012 LEWIS BRISBOIS BISGAARD & SMITH LLP 16 17 /s/ Alison Yew By: Alison Yew 18 Attorneys for Defendant 19 3SJ TRANSPORTATION (Doe 2) 20 ~ ORDER ~ 21 Pursuant to the above stipulation, and good cause appearing, this court hereby orders the 22 continuance of Defendant 3SJ Transportation's Motion to Dismiss, "The December 14, 2012, 23 hearing date is vacated. The new hearing date is vanuary 18, 2013 another date the court. 24 chooses at least 30 days from December 14, 2 25 IT IS SO ORDERED. 26 27 Judge of the U.S. District Court 28

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