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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ST PAUL FIRE AND MARINE
INSURANCE COMPANY, and NEW
YORK MARINE AND GENERAL
INSURANCE COMPANY,

Plaintiffs,

v.

KINSALE INSURANCE COMPANY,

Defendant.

TRC OPERATING COMPANY, INC.,
TRC CYPRESS GROUP, LLC.

Real Parties in Interest

Case No. 1:20-cv-00967-JLT-CDB

**ORDER SETTING LIMITED
DISCOVERY AND DISPOSITIVE
MOTION BRIEFING SCHEDULE**

(ECF No. 66)

On March 10, 2023, the Court issued an Order Granting in Part Plaintiffs' Motions to Lift Stay. (ECF No. 65). In addition, the Court ordered the parties to file a joint report proposing a schedule to take and complete discovery on the limited question as to whether ad the extent to which Defendant owes a duty to defend the Real Parties in Interest. (*Id.* at 7).

Pending before the Court is the parties' joint report, filed March 24, 2023 (ECF No. 66), in which the parties agree that two issues will be the subject of the limited discovery and dispositive motions for which the previously entered stay has been lifted. The first issue is whether Defendant owes a duty to defend under the insurance policy issued to the Real Parties

1 in Interest in the case *TRC Operating Co., et al., v. Chevron U.S.A., Inc.*, Case No. S-1500-CV-
2 282520 DRL. To the extent Defendant does owe the Real Parties in Interest a duty to defend,
3 the second issue subject to anticipated discovery is the allocation of the defense fees between
4 Defendant and Plaintiffs.

5 Based on the parties' representations in their joint report, it is HEREBY ORDERED
6 that the following schedule will govern limited discovery and dispositive motions on the two
7 issues outlined above:

8 **Discovery Schedule:**

- 9 1. The parties shall submit written discovery and subpoenas to third parties by **June 25,**
10 **2023.**
- 11 2. The parties shall complete depositions by **July 25, 2023.**
- 12 3. All discovery-related motions shall be filed by **July 25, 2023.**

13 **Briefing Schedule:**

- 14 1. The parties shall meet and confer no later than **August 8, 2023,** to discuss the topics
15 set forth in Paragraph D(1) of the joint report. (ECF No. 66, p. 3).
- 16 2. No later than **August 15, 2023,** the parties shall file a joint statement of undisputed
17 material facts.
- 18 3. The parties shall file any dispositive motions no later than **September 7, 2023.**
- 19 4. Any opposition to a dispositive motion shall be filed within 21 days from the date that
20 the dispositive motion was filed, and in no event later than **September 28, 2023.**
- 21 5. Any reply shall be filed within 14 days of the opposition filing, and in no event later
22 than **October 12, 2023.**

23 Alternatively, the parties may file an earlier partial summary judgment motion solely on
24 the issue of whether Defendant owes a duty to defend. If the Court rules that Defendant owes a
25 duty to defend, the parties shall meet and confer and, upon mutual agreement, may mediate the
26 issue of allocation. Before any partial summary judgment motion solely on the existence of a

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duty to defend is filed, the parties shall meet and confer and file a stipulation setting forth a briefing schedule and hearing date for the partial summary judgment motion.

IT IS SO ORDERED.

Dated: March 27, 2023


UNITED STATES MAGISTRATE JUDGE