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8 Attorneys for Plaintiff  
 9 EVANSTON INSURANCE COMPANY

10 UNITED STATES DISTRICT COURT  
 11 EASTERN DISTRICT OF CALIFORNIA  
 12 SACRAMENTO DIVISION

13 EVANSTON INSURANCE COMPANY,

14 Plaintiff,

15 vs.

16 QUANTA SPECIALTY LINES  
 17 INSURANCE COMPANY, NORTH  
 18 AMERICAN CAPACITY INSURANCE  
 19 COMPANY and DOES 1 through 100,  
 20 inclusive,

21 Defendants.

CASE No. Civ.S-10-2622 JAM JFM

**STIPULATION TO STAY ACTION AND  
 CONTINUE DATES PREVIOUSLY SET  
 AND ORDER**

1 Plaintiff Evanston Insurance Company (“Evanston”) and Defendant North American  
2 Capacity Insurance Company (“NAC”) hereby stipulate as follows:

3 1. Evanston and NAC, hereinafter collectively referred to as “the parties”, submitted  
4 a Joint Status Report to the Court on or about November 22, 2010. The Joint Status Report set  
5 forth agreed to deadlines for the parties’ initial disclosures, discovery, mediation and law and  
6 motion matters.

7 2. On November 24, 2010 the Court entered a minute order adopting a deadline for  
8 filing of Plaintiff’s motion for summary judgment of March 9, 2011 and an accompanying  
9 hearing date.

10 3. This claim for declaratory relief and contribution filed by Evanston arises out of an  
11 underlying action captioned *Edwards v. S& J Development, et. al.*, Shasta County Superior Court  
12 Case No. 164399 (“*Edwards v. S& J Development*”).

13 4. *Edwards v. S& J Development* is currently scheduled for mediation on January 24,  
14 2011.

15 5. In the interest of attempting to resolve the underlying *Edwards v. S& J*  
16 *Development* matter and also to resolve this litigation, the parties have agreed to participate in the  
17 scheduled mediation in the *Edwards v. S& J Development* matter.

18 6. In the interest of judicial economy, pending the completion of the mediation of the  
19 *Edwards v. S& J Development* matter, the parties have agreed to stay all pending deadlines in this  
20 matter including service of parties, joinder of additional parties, amendment of pleadings,  
21 motions, initial disclosures, discovery and Evanston’s motion for summary judgment in order to  
22 first conduct the mediation in the *Edwards v. S& J Development* matter.

23 7. The parties agree that the deadline for Evanston’s motion for summary judgment  
24 set forth in the Court’s scheduling order dated November 24, 2010 be stayed for sixty days. The  
25 parties further agree that on or before February 15, 2010, they will provide the Court with an  
26 updated Status Report reporting the results of the mediation of the *Edwards v. S& J Development*  
27 matter and if necessary proposing new dates for all dates set forth in the Joint Status Report and  
28 the Court’s minute order.

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IT IS SO STIPULATED:

Dated: November \_\_, 2010

LONG & LEVIT LLP

By

IRENE K. YESOWITCH  
LORRAINE A. BARABBE  
Attorneys for Plaintiff  
EVANSTON INSURANCE  
COMPANY

Dated: November \_\_, 2010

GRIMM, VRANJES, McCORMICK &  
GRAHAM LLP

By

A. CARL YAECKEL  
Attorneys for Defendant  
NORTH AMERICAN CAPACITY  
INSURANCE

**ORDER**

Based on the foregoing stipulation of the parties, and good cause appearing, this Court  
ORDERS as follows:

1. The deadlines set forth in the parties Joint Status Report are hereby vacated.
2. The deadline for Plaintiff's filing a motion for summary judgment set forth in the Court's November 24, 2010 minute order is hereby vacated.
3. The parties will report back to the Court by Joint Status Report on or before February 15, 2011 advising the Court as to the result of the mediation of the *Edwards v. S & J Development* matter and if necessary proposing new dates for all previously set dates.

Dated: 12/16/2010

/s/ John A. Mendez  
Honorable Judge John A. Mendez