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(SPACE BELOW FOR FILING STAMP ONLY)

7 Attorneys for Defendant, Counterclaimant and
8 Crossclaimant LEXINGTON INSURANCE
COMPANY

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11
12 AMERICAN CASUALTY COMPANY
OF READING, PENNSYLVANIA, and
13 NATIONAL FIRE INSURANCE
COMPANY OF HARTFORD, successor
14 by merger to TRANSCONTINENTAL
INSURANCE COMPANY,

15 Plaintiffs,

16 v.

17 WESTERN ENVIRONMENTAL
CONSULTANTS, INC., a California
18 Corporation; and PACIFIC GAS &
ELECTRIC COMPANY, a California
19 Corporation; LEXINGTON INSURANCE
COMPANY; UNDERWRITERS AT
20 LLOYD'S LONDON,

21 Defendants.

22
23 AND RELATED CROSS-ACTIONS

Case No. 2:10-CV-02806-GEB-EFB

**JOINT STIPULATION AND [PROPOSED]
ORDER REGARDING LEXINGTON'S
FILING OF A THIRD AMENDED
COUNTERCLAIM AND CROSS-CLAIM
AND RESPONSES THERETO**

Judge: Honorable Garland E. Burrell, Jr.

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1 WHEREAS, on September 15, 2011, Lexington Insurance Company (“Lexington”) filed a
2 Second Amended Counterclaim and Cross-Claim (“SACC”) (Docket No. 118);

3 WHEREAS counter-defendants American Casualty Company of Reading, Pennsylvania
4 and National Fire Insurance Company of Hartford (“Counter-Defendants”) and cross-defendants
5 Pacific Gas & Electric Company and Western Environmental Consultants, Inc. (“Cross-
6 Defendants”), pursuant to stipulation, are due to file a responsive pleading to the SACC on
7 October 24, 2011 (Docket No. 120);

8 WHEREAS, Lexington seeks to file a Third Amended Counterclaim and Cross-Claim
9 (“TACC”), to correct the allegations that appear in Paragraph 6 of the SACC by removing the
10 words, “which applied solely to the named insured, Western” from Paragraph 6 in the TACC, and
11 to attach as exhibits to the TACC certain documents referenced therein.

12 The parties hereby stipulate, through their attorneys, that:

13 1. Lexington shall file a Third Amended Counterclaim and Cross-Claim on or before
14 October 26, 2011 that does not contain the words, “which applied solely to the named insured,
15 Western” in Paragraph 6, and attaches certain documents referenced therein.

16 2. Cross-Defendants and Counter-Defendants shall not file responsive pleadings to
17 Lexington’s Second Amended Counterclaim and Cross-Claim, and shall file responsive pleadings
18 to Lexington’s Third Amended Counterclaim and Cross-Claim within 21 days of the filing of the
19 Third Amended Counterclaim and Cross-Claim.

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Dated: October 21, 2011

WOOLS & PEER

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AMERICAN CASUALTY COMPANY OF
READING, PENNSYLVANIA, AND
NATIONAL FIRE INSURANCE OF
HARTFORD, successor by merger to
TRANSCONTINENTAL INSURANCE
COMPANY

Dated: October 21, 2011

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Dated: October 21, 2011

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AT LLOYD'S LONDON

Dated: October 21, 2011

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COMPANY

Dated: October 21, 2011

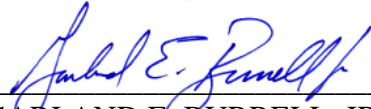
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IT IS SO ORDERED.

Date: 10/24/2011



GARLAND E. BURRELL, JR.
United States District Judge