

1 James P. Wagoner, # 058553
 Email: jim.wagoner@mccormickbarstow.com
 2 Michael J. Schmidt, # 257371
 Email: michael.schmidt@mccormickbarstow.com
 3 McCormick, Barstow, Sheppard,
 Wayte & Carruth LLP
 4 P.O. Box 28912
 5 5 River Park Place East
 Fresno, CA 93720-1501
 Telephone: (559) 433-1300
 6 Facsimile: (559) 433-2300
 Attorneys for Defendant, Counterclaimant and
 7 Cross-Claimant LEXINGTON INSURANCE
 COMPANY

8
 9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11 AMERICAN CASUALTY COMPANY
 12 OF READING, PENNSYLVANIA, and
 NATIONAL FIRE INSURANCE
 13 COMPANY OF HARTFORD,
 successor by merger to
 14 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;
 20 UNDERWRITERS AT LLOYD'S
 LONDON,

21 Defendants.

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

**JOINT STIPULATION AND
 [PROPOSED] ORDER CONTINUING
 HEARING ON MOTION TO DISMISS
 AND TIME TO FILE OPPOSITION
 AND REPLY TO MOTION TO
 DISMISS**

Judge: Honorable Garland E. Burrell, Jr.

22
 23 AND RELATED CROSS-ACTIONS

24 WHEREAS, on October 26, 2011, Lexington Insurance Company (“Lexington”)
 25 filed a Third Amended Counterclaim and Cross-Claim (“TACC”) (Docket No. 125);

26 WHEREAS Counter-Defendants American Casualty Company of Reading,
 27 Pennsylvania (“American Casualty”) and National Fire Insurance Company of Hartford
 28 (“National Fire”) filed a Motion to Dismiss Lexington’s TACC (“the Motion to Dismiss”)

JOINT STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING ON MOTION TO DISMISS
 AND TIME TO FILE OPPOSITION AND REPLY TO MOTION TO DISMISS 2:10-CV-02806-GEB-EFB

1 on November 16, 2011 (Docket No. 126);

2 WHEREAS Counter-Defendant Western Environmental Consultants, Inc.
3 (“WECI”) filed a Notice of Joinder in the Motion to Dismiss on November 16, 2011
4 (Docket No. 127)

5 WHEREAS Counter-Defendant Pacific Gas & Electric Company (“PG&E”) filed a
6 Notice of Joinder in the Motion to Dismiss on November 16, 2011 (Docket No. 128);

7 WHEREAS argument on the Motion to Dismiss is set to be heard on Monday,
8 January 23, 2012, at 9:00 a.m.;

9 WHEREAS, pursuant to Local Rule 230, Lexington’s Opposition to the Motion to
10 Dismiss is due on Monday, January 9, 2012;

11 WHEREAS, pursuant to Local Rule 230, American Casualty and National Fire’s
12 Reply to Lexington’s Opposition to the Motion to Dismiss is due on Friday, January 13,
13 2012;

14 WHEREAS, there is presently a Status Conference in this case set for February 13,
15 2012 (Docket No. 130);

16 WHEREAS, the parties are actively working to resolve this dispute through
17 settlement, and believe this case may be resolved through settlement;

18 The parties hereby stipulate, through their attorneys, as follows:

19 (1) With the Court’s approval, the hearing on the Motion to Dismiss will be moved
20 to March 5, 2012;

21 (2) In accordance with Local Rule 230, Lexington’s Opposition to the Motion to
22 Dismiss will therefore be due on Monday, February 20, 2012; and

23 (3) In accordance with Local Rule 230, American Casualty and National Fire’s
24 Reply to Lexington’s Opposition to the Motion to Dismiss will therefore be due on
25 Monday, February 27, 2012.

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28

1 Dated: January 6, 2012

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

2
3 By: s/ Michael J. Schmidt

4 James P. Wagoner
5 Michael J. Schmidt
6 Attorneys for Defendant
7 LEXINGTON INSURANCE COMPANY

8 Dated: January 6, 2012

WOOLS & PEER

9 By: s/ Jeffrey A. Dollinger

10 Jeffrey A. Dollinger
11 Attorneys for Plaintiffs
12 AMERICAN CASUALTY COMPANY OF
13 READING, PENNSYLVANIA, AND
14 NATIONAL FIRE INSURANCE OF
15 HARTFORD, successor by merger to
16 TRANSCONTINENTAL INSURANCE
17 COMPANY

18 Dated: January 6, 2012

COVINGTON & BURLING LLP

19 By: s/ Esta L. Brand

20 Esta L. Brand
21 Attorneys for Defendant
22 WESTERN ENVIRONMENTAL
23 CONSULTANTS

24 Dated: January 6, 2012

ORRICK HERRINGTON
& SUTCLIFFE LLP

25 By: s/ Stephen M. Knaster

26 Richard J. DeNatale
27 Stephen M. Knaster
28 Attorneys for Defendant
PACIFIC GAS & ELECTRIC
COMPANY
JAMPOL ZIMET LLP

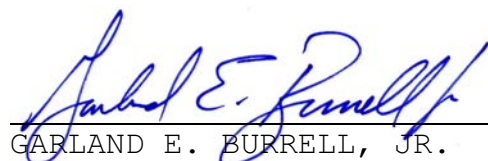
Dated: January 6, 2012

By: s/ Marcus Dong

Alan R. Jampol
Marcus Dong
Attorneys for Defendant
UNDERWRITERS
AT LLOYD'S LONDON

IT IS SO ORDERED.

1/9/11



GARLAND E. BURRELL, JR.
United States District Judge