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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TRAVELERS INDEMNITY OF CONNECTICUT, et al,	)	No. 2:11-CV-1601-JLQ
Plaintiffs,	)	ORDER RE: MOTION FOR LEAVE TO FILE SECOND AMENDED COUNTERCLAIM
v.	)	
ARCH SPECIALTY INSURANCE COMPANY,	)	
Defendant.	)	

Defendant Arch Specialty Insurance Company (“Arch”) has filed a Motion for Leave to File a Second Amended Counterclaim (ECF No. 64)(the “Motion”) and has requested oral argument thereon. While not jointly requesting oral argument, Travelers has agreed to the date of January 31, 2013 for telephonic hearing. The parties also suggest a response briefing date of January 17, 2013, and a reply date of January 24, 2013.

The Motion was filed on December 17, 2012. The parties, to some extent, have already addressed the issue of leave to amend in their supplemental briefs concerning the cross-motions for summary judgment. (ECF No. 65 & 66). The court does not believe that another five weeks are required to brief and argue the Motion, nor is the court of the impression at this time that oral argument is necessary. The court may in its discretion determine the Motion without oral argument. Local Rule 230(g)(“...Alternatively, the motion may be submitted upon the record and briefs on file if the parties stipulate thereto, or if the Court so orders, subject to the power of the Court to reopen the matter for further briefs or oral arguments or both.”). Accordingly,

1                   **IT IS HEREBY ORDERED:**

2                   1. Plaintiffs Travelers may file a responsive brief to the Motion. Such  
3 responsive brief shall be filed **no later than January 7, 2013**. The responsive brief  
4 shall **not exceed fifteen (15) pages**.

5                   2. Defendant Arch may thereafter file a reply brief. Such brief shall be filed  
6 **no later than January 14, 2013**, and shall **not exceed seven (7) pages**.

7                   3. The Motion shall be deemed submitted on the briefs as of January 14,  
8 2013, and the court will attempt to expeditiously rule upon the Motion.

9                   4. If the court has not ruled upon the Motion by January 30, 2013, then the  
10 court will hear argument on **January 31, 2013, at 2:00 p.m.** If such hearing  
11 occurs, the parties shall call the court's toll-free phone number: 1-877-336-1839.  
12 The parties will be prompted to enter the following information: Access Code -  
13 9492285 and Security Code - 1601.

14                   **IT IS SO ORDERED.** The Clerk shall enter this Order and furnish copies to  
15 counsel.

16                   DATED this 26<sup>th</sup> day of December, 2012.

17   s/ Justin L. Quackenbush  
18   JUSTIN L. QUACKENBUSH  
19   SENIOR UNITED STATES DISTRICT JUDGE

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