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 10 of Pennsylvania

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 12 UNITED STATES DISTRICT COURT  
 13 EASTERN DISTRICT OF CALIFORNIA  
 14 SACRAMENTO DIVISION  
 15

16 AMERICAN STATES INSURANCES  
 17 COMPANY, an Indiana Corporation,  
 18 Plaintiff,  
 19

20 v.

21 INSURANCE COMPANY OF THE  
 22 STATE OF PENNSYLVANIA, a  
 23 Pennsylvania Corporation,  
 24 Defendant.  
 25

No. 2:12-CV-01489-JAM-DAD  
**STIPULATION TO EXTEND  
 TIME TO ANSWER OR  
 OTHERWISE RESPOND TO  
 SECOND AMENDED  
 COMPLAINT; ORDER**

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## I. RECITALS

1. This is an action among insurance companies who are alleged to have duties to defend and/or indemnify Sierra Pacific Industries (“SPI”) in various lawsuits arising out of the “Moonlight Fire.” The pleadings are labeled as claims for declaratory relief, contribution and indemnity.
2. On March 18, 2013, following issuance of the Court’s order granting leave to file, American States Insurance Company (“ASIC”) filed its Second Amended Complaint in this matter against Insurance Company of the State of Pennsylvania (“ICSOP”) and Lexington Insurance Company (“Lexington”).
3. At the time of the filing of the Second Amended Complaint, ASIC advises that it was in the process of negotiating a settlement with SPI of the related case *Sierra Pacific Industries v. American States* E.D. Cal. Case No. 2:11-CV-00346. It was anticipated by ASIC that the settlement would impact the allegations and causes of action alleged in the instant action, thus requiring further amendment of the Complaint in this action.
4. Accordingly, on March 21, 2013, the parties to this action entered into a stipulation, under Local Rule 144(a), to extend the deadline -- for defendant ICSOP to answer or other response to the second amended complaint -- to April 29, 2013. ASIC further agreed to postpone service of a summons and copy of the Second Amended Complaint upon newly-added defendant

1           Lexington.

- 2           5. ASIC advises that the parties to the *Sierra Pacific v. American States* case  
3           have now reached agreement on the terms of a written settlement agreement  
4           that resolves all claims in that action. ASIC expects that SPI and ASIC will  
5           execute the written settlement agreement within the next week to ten days.  
6           ASIC further asdvises that the terms of the anticipated settlement will  
7           require amendment to the Second Amended Complaint to allege what ASIC  
8           contends are the essential terms of the settlement and their effect on the  
9           parties alleged rights and liabilities in this action. Further, as a result of its  
10          anticipated settlement with SPI, ASIC believes the disputes between it and  
11          ICSOP will be limited to pre-August 18, 2012 defense costs, which will  
12          moot any disputes regarding ASIC's umbrella policy or Lexington. It is  
13          anticipated that the underlying SPI-ASIC Settlement and a draft third  
14          amended complaint can be presented to Defendant ICSOP for review and  
15          stipulation for filing no later than May 20, 2013. In the event ICSOP does  
16          not stipulate to the filing of the third amended complaint, ASIC anticipates  
17          filing a motion for leave to file a third amended complaint no later than May  
18          28, 2013 (the previous day being a holiday).  
19          20           6. Accordingly, the parties hereby jointly stipulate and request that the court  
21          grant a further extension to May 28 2013 for ICSOP to answer or otherwise  
22          respond to the Second Amended Complaint.  
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DATED: April 24, 2013

THE BIERNAT LAW GROUP

By:   
Lisa L. Pan  
Attorneys for Plaintiff American  
States Insurance Company

DATED: April 24, 2013

BINGHAM McCUTCHEN LLP


By: /s/ Frank Kaplan  
Frank Kaplan  
Attorneys for Defendant Insurance  
Company of the State of  
Pennsylvania

**ORDER**

Upon the stipulation of the parties, and good cause appearing, the court hereby extends the deadline for Defendant Insurance Company of the State of Pennsylvania to answer or otherwise respond to the Second Amended Complaint to May 28, 2013.

IT IS SO ORDERED.

DATE: April 30, 2013

  
MORRISON C. ENGLAND, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT