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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
(SACRAMENTO DIVISION)

ST. PAUL MERCURY INSURANCE COMPANY, a Minnesota corporation,) CASE NO.: 2:12-CV-02820-TLN-CKD
Plaintiff,)
vs.)
ACE AMERICAN INSURANCE COMPANY, a Pennsylvania corporation, et al.,)
Defendants.)

STIPULATION AND ORDER EXTENDING DISPOSITIVE MOTION DEADLINES IN THE PRETRIAL SCHEDULING ORDER
(FIRST REQUEST)
Trial Date: July 13, 2015
Judge: Honorable Troy L. Nunley
Court Room: 2

PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE (“F.R.C.P.”) 6(b)(1) and LOCAL RULE (“L.R.”) 144(a), IT IS HEREBY STIPULATED AND AGREED by and among plaintiff, ST. PAUL MERCURY INSURANCE COMPANY (“ST. PAUL”), and defendants, ACE AMERICAN INSURANCE COMPANY (“ACE”), ASSURANCE COMPANY OF AMERICA (“ASSURANCE”), CLARENDON AMERICA INSURANCE COMPANY (“CLARENDON”), EVEREST NATIONAL INSURANCE COMPANY (“EVEREST”), GOLDEN EAGLE INSURANCE COMPANY (“GOLDEN EAGLE”), ILLINOIS UNION INSURANCE COMPANY (“ILLINOIS UNION”), MARYLAND CASUALTY COMPANY (“MARYLAND CASUALTY”), NAVIGATORS INSURANCE COMPANY (“NAVIGATORS INSURANCE”), NAVIGATORS

1 SPECIALTY INSURANCE COMPANY (“NAVIGATORS SPECIALTY”), NORTHERN
2 INSURANCE COMPANY OF NEW YORK (“NORTHERN INSURANCE”), PRAETORIAN
3 INSURANCE COMPANY (“PRAETORIAN”), STEADFAST INSURANCE COMPANY
4 (“STEADFAST”), VALIANT INSURANCE COMPANY (“VALIANT”) and ZURICH
5 AMERICAN INSURANCE COMPANY (“ZURICH”), collectively hereinafter referred to as the
6 “Parties,” through their respective attorneys, that that deadlines set forth in the Court’s Pretrial
7 Scheduling Order for filing dispositive motions and the last day for the Court to hear dispositive
8 motions be extended by thirty-five (35) days. The Parties are not seeking the extension of any other
9 deadlines in the Court’s Pretrial Scheduling Order nor the July 13, 2015 trial date.

10 ST. PAUL has very recently reached an informal resolution of its claims as to the following
11 defendants: ASSURANCE, EVEREST, MARYLAND CASUALTY, NAVIGATORS
12 INSURANCE, NAVIGATORS SPECIALTY, NORTHERN INSURANCE, STEADFAST,
13 VALIANT and ZURICH, and anticipates each of these defendants being dismissed from this action
14 shortly. Thus, no dispositive motion(s) regarding ST. PAUL’s claim(s) as to any of these particular
15 defendants are expected to be filed with the Court.¹

16 ST. PAUL’s claims against ACE, CLARENDON, GOLDEN EAGLE, ILLINOIS UNION
17 and PRAETORIAN continue to be litigated. ACE, CLARENDON, GOLDEN EAGLE, ILLINOIS
18 UNION and PRAETORIAN are hereinafter referred to collectively as “DEFENDANTS.”

19 ST. PAUL and DEFENDANTS have completed their factual discovery and made their
20 necessary expert disclosures(s). The depositions of certain disclosed expert(s) are currently
21 scheduled for late-November 2014. ST. PAUL remains in ongoing settlement discussions with
22 certain DEFENDANTS. ST. PAUL and DEFENDANTS believe a thirty-five (35) day extension of
23 the dispositive motion deadlines will permit certain DEFENDANTS to resolve this action with ST.
24 PAUL without having to incur the costs necessary to prepare one or more dispositive motions over
25 the next thirty days. ST. PAUL and DEFENDANTS further believe that a thirty-five (35) day

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27 ¹ Counsel for ASSURANCE, EVEREST, MARYLAND CASUALTY, NAVIGATORS INSURANCE, NAVIGATORS
28 SPECIALTY, NORTHERN INSURANCE, STEADFAST, VALIANT and ZURICH are signatories to this Stipulation
merely due to the fact that their client(s) have not yet been dismissed and, therefore, take no formal position concerning
an extension of the current motion hearing schedule.

1 extension of the dispositive motion deadlines is warranted so as to permit them the opportunity to
2 conclude currently scheduled expert deposition(s), evaluate the testimony given and determine its
3 use for purposes of supporting or opposing one or more dispositive motion(s) which are anticipated
4 to be filed by ST. PAUL and/or one or more DEFENDANTS.

5 Pursuant to the Court's "Pretrial Scheduling Order" (ECF Document No. 181), the current
6 motion hearing schedule regarding dispositive motions is as follows:

- 7 • Last day for the Court to hear dispositive motions: 01/29/15;
- 8 • Dispositive motions: filed at least 8 weeks prior to
9 hearing (*i.e.*, 12/04/14);
- 10 • Opposition and any cross-motion: filed at least 5 weeks prior to
11 hearing;
- 12 • Reply and opposition to cross-motion: filed at least 3 weeks prior to
13 hearing;
- 14 • Reply to cross-motion: filed at least 1 week prior to
15 hearing

16 As addressed, ST. PAUL and DEFENDANTS believe a thirty-five (35) day extension of the
17 dispositive motion deadlines will permit ST. PAUL to resolve its claims with certain
18 DEFENDANTS and without those parties having to incur the costs necessary to prepare one more
19 dispositive motions. It will further permit the conclusion of expert depositions later this month and
20 afford ST. PAUL and/or one or more DEFENDANTS the time necessary to evaluate the testimony
21 and determine its use for purposes of supporting or opposing dispositive motions. Therefore, the
22 Parties hereby stipulate and agree to the following extension of the current motion hearing schedule
23 regarding dispositive motions:

- 24 • The last day for the Court to hear dispositive motions shall be March 5, 2015;
- 25 • Dispositive Motion(s): Filed at least 8 weeks prior to hearing;
- 26 • Opposition and any cross-motion: Filed at least 5 weeks prior to hearing;
- 27 • Reply and opposition to cross-motion: Filed at least 3 weeks prior to hearing;
- 28 • Reply to cross-motion: Filed at least 1 week prior to hearing

1 **IT IS SO STIPULATED AND AGREED.**

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3 DATED: November 4, 2014

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5 THE AGUILERA LAW GROUP, APLC

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10 By: /s/ Scott LaSalle
11 SCOTT LaSALLE
12 Attorneys for Plaintiff, ST. PAUL
13 MERCURY INSURANCE COMPANY

14 DATED: November 4, 2014

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16 MORALES, FIERRO & REEVES

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20 By: /s/ David A. Astengo
21 DAVID A. ASTENGO
22 Attorneys for Defendants, ACE
23 AMERICAN INSURANCE COMPANY
24 and ILLINOIS UNION INSURANCE
25 COMPANY

26 DATED: November 4, 2014

27

28 DE LA PENA & HOLIDAY

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5 By: /s/ Anderson Franco
6 ANDERSON FRANCO
7 Attorneys for Defendants, CLARENDON
8 AMERICA INSURANCE COMPANY
9 and PRAETORIAN INSURANCE
10 COMPANY

11 DATED: November 4, 2014

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13 KOLETSKY, MANCINI, FELDMAN
14 & MORROW

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23 By: /s/ Stacy R. Goldscher
24 STACY R. GOLDSCHER
25 Attorneys for Defendant, GOLDEN
26 EAGLE INSURANCE COMPANY

1 DATED: November 4, 2014

SINNOT, PUEBLA, CAMPAGNE &
2 CURET, APLC

3 By: /s/ Lindsey Morgan
4 BLAISE STEPHEN CURET
5 LINDSEY MORGAN
6 Attorneys for Defendants, ASSURANCE
7 COMPANY OF AMERICA; MARYLAND
8 CASUALTY COMPANY; NORTHERN
9 INSURANCE COMPANY OF NEW YORK;
10 STEADFAST INSURANCE COMPANY;
11 VALIANT INSURANCE COMPANY; and
12 ZURICH AMERICAN INSURANCE
13 COMPANY

14 DATED: November 4, 2014

15 SELMAN BREITMAN

16 By: /s/ Joel Morgan
17 JOEL MORGAN
18 Attorneys for Defendants, EVEREST
19 NATIONAL INSURANCE COMPANY
20 and EVEREST INDEMNITY INSURANCE
21 COMPANY

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1 DATED: November 4, 2014

GORDON & REES, LLP

3 By: /s/ Timothy P. Lindell

4 TIMOTHY PAUL LINDELL
5 Attorneys for Defendants, NAVIGATORS
6 INSURANCE COMPANY and
7 NAVIGATORS SPECIALTY
8 INSURANCE COMPANY

ORDER

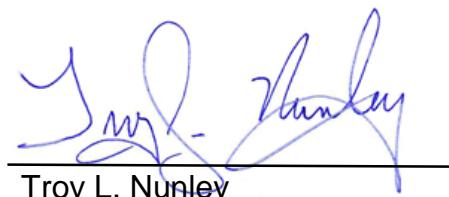
9 Pursuant to the stipulation of plaintiff, ST. PAUL, and defendants, ASSURANCE, ACE,
10 CLARENDON, EVEREST, GOLDEN EAGLE, ILLINOIS UNION, MARYLAND CASUALTY,
11 NAVIGATORS INSURANCE, NAVIGATORS SPECIALTY, NORTHEN INSURANCE,
12 PRAETORIAN, STEADFAST, VALIANT and ZURICH, and good cause existing therefore,

13 **IT IS HEREBY ORDERED** as follows:

- 14 • The last day for the Court to hear dispositive motions shall be **March 12, 2015**;
- 15 • Dispositive Motion(s): Filed at least 8 weeks prior to hearing;
- 16 • Opposition and any cross-motion: Filed at least 5 weeks prior to hearing;
- 17 • Reply and opposition to cross-motion: Filed at least 3 weeks prior to hearing;
- 18 • Reply To cross-motion: Filed at least 1 week prior to hearing

19 All other dates and deadlines set forth in the Court's Pretrial Scheduling Order (ECF
20 Document No. 181) remain unchanged.

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22 DATED: November 6, 2014



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Troy L. Nunley
United States District Judge