

1 **GRECO TRAFICANTE SCHULZ & BRICK**
 2 PETER J. SCHULZ (State Bar No. 167646)
 3 One America Plaza
 4 600 West Broadway, Suite 960
 5 San Diego, CA 92101
 6 Telephone: (619) 234-3660
 7 Facsimile: (619) 234-0626
 8 Email: *pjs@gtlaw.cc*

9 Attorneys for Plaintiff
 10 CALABRIA COMPANY LLC

11 **SEDGWICK LLP**
 12 BRIAN D. HARRISON (State Bar No. 157123)
 13 333 Bush Street, 30th Floor
 14 San Francisco, CA 94104-2834
 15 Telephone: (415) 781.7900
 16 Facsimile: (415) 781.2635
 17 Email: *brian.harrison@sedgwicklaw.com*

18 Attorneys for Defendant
 19 PHILADELPHIA INDEMNITY INSURANCE COMPANY

20 **UNITED STATES DISTRICT COURT**
 21 **EASTERN DISTRICT OF CALIFORNIA**
 22 **SACRAMENTO DIVISION**

23 CALABRIA COMPANY LLC,

24 Plaintiff,

25 v.

26 PHILADELPHIA INDEMNITY INSURANCE
 27 COMPANY,

28 Defendant.

CASE NO. 2:14-CV-01788-TLN-CMK

**STIPULATION TO DISMISS THE
 COMPLAINT AND COMPEL
 ARBITRATION; AND ORDER TO
 DISMISS THE ACTION AND TO
 COMPEL COMPLIANCE WITH
 INSURANCE POLICY'S MANDATORY
 ARBITRATION PROVISION**

29 This Stipulation is entered into by and among Plaintiff Calabria Company LLC
 30 ("Calabria") and Defendant Philadelphia Indemnity Insurance Company ("Philadelphia"). By
 31 and through their respective counsel of record, Calabria and Philadelphia have agreed to submit
 32 the issues set forth in the complaint to binding arbitration pursuant to the terms of Part 6, Section
 33 XIV.B. of Policy No.PHSD551900 issued to Calabria, effective August 11, 2010 to August 1,
 34 2011 (the "Policy").

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THEREFORE, and based upon the foregoing, the parties hereto stipulate and agree as follows:

1. That the disputes in this action will be submitted to arbitration pursuant to the terms of Part 6, Section XIV.B. of the Policy;
2. The action was filed timely in compliance with the parties' prior tolling agreement; and
3. That this action will be dismissed, without prejudice.

IT IS SO STIPULATED, AGREED, AND RESPECTFULLY REQUESTED.

DATED: July 29, 2014

GRECO TRAFICANTE SCHULZ & BRICK

By: /s/ Peter Schulz (as authorized on July 29, 2014)¹
Peter J. Schulz
Attorneys for Plaintiff
CALABRIA COMPANY LLC

DATED: July 31, 2014

SEDGWICK LLP

By: /s/ Brian D. Harrison
Brian D. Harrison
Attorneys for Defendant
PHILADELPHIA INDEMNITY
INSURANCE COMPANY

¹ Per L.R. 131(e), counsel for Plaintiff Calabria has authorized submission of this document on his behalf.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

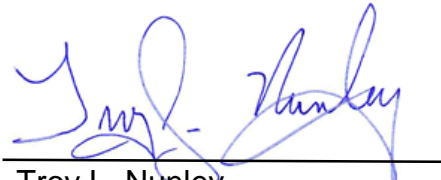
Pursuant to the parties' above stipulation, and good cause appearing, IT IS HEREBY ORDERED:

1. That the disputes in this action will be submitted to arbitration pursuant to the terms of Part 6, Section XIV.B. of the Policy consistent with the Stipulation of the parties set forth above; and

2. That this action will be and is hereby dismissed, without prejudice.

IT IS SO ORDERED.

Dated: July 31, 2014



Troy L. Nunley
United States District Judge