

1 Michael W. Melendez (SBN 125895)
 COZEN O'CONNOR
 2 101 Montgomery Street, Suite 1400
 San Francisco, CA 94104
 3 Tel: 415.644.0914
 Fax: 415.644.0978
 4 Email: mmelendez@cozen.com

5 Attorney for Defendant
 OLD REPUBLIC INSURANCE COMPANY

6 Louis A. Basile (SBN 047432)
 7 PORTER SIMON, PROFESSIONAL
 CORPORATION
 8 P.O. Box 5339
 210 Grove Street
 9 Tahoe City, CA 96145
 Tel: 530-583-7268
 10 Fax: 530-583-7209
 Email: basile@portersimon.com

11 Douglas R. Alliston (SBN 137767)
 12 MURPHY CAMPBELL ALLISTON & QUINN
 8801 Folsom Boulevard, Suite 230
 13 Sacramento, CA 95826
 Tel: 916-400-2300
 14 Fax: 916-400-2311
 Email: dalliston@murphycampbell.com

15 Attorneys for Plaintiff
 16 CROSS CHECK SERVICES, LLC

17
 18 UNITED STATES DISTRICT COURT
 19 EASTERN DISTRICT OF CALIFORNIA

20 CROSS CHECK SERVICES, LLC,
 21 Plaintiff,
 22 v.
 23 OLD REPUBLIC INSURANCE COMPANY, a
 Pennsylvania Corporation,
 24 Defendant.
 25

Case No.: 2:15-cv-02113-MCE-EFB

**JOINT NOTICE OF TRIAL READINESS,
 AND STIPULATION AND ORDER FOR
 PROCEEDING TO TRIAL**

26
 27
 28

1 Pursuant to this Court's March 7, 2016 [Dkt. 9] and October 24, 2016 [Dkt. 13] Orders,
2 plaintiff Cross Check Services LLC and defendant Old Republic Insurance Company submit this
3 Joint Notice of Trial Readiness and Stipulation and [Proposed] Order for Proceeding to Trial.

4 This is an insurance coverage dispute. The parties seek to try this case as efficiently and
5 cost-effectively as possible. The parties therefore STIPULATE to the following procedure:

- 6 1. On or before October 27, 2017, Old Republic will provide its proposed stipulated
7 facts and exhibits to Cross Check.
- 8 2. On or before November 10, 2017, Cross Check will provide its proposed stipulated
9 facts and exhibits to Old Republic.
- 10 3. On or before November 17, 2017, the parties shall meet and confer regarding any
11 issues relating to the facts and exhibits they exchanged.
- 12 4. If any "disputed" facts remain after the meet and confer process, the parties shall be
13 allowed until December 15, 2017 to take depositions regarding any remaining
14 "disputed" facts.
- 15 5. On or before January 15, 2018, the parties shall prepare a joint statement of stipulated
16 facts for use at trial according to the procedure set forth herein. The parties agree that
17 all such stipulated facts will be admissible evidence.
- 18 6. On or before January 15, 2018, the parties shall prepare a joint list of exhibits for use
19 at trial according to the procedure set forth herein. The parties agree that all such
20 exhibits will be admissible evidence.
- 21 7. Each party reserves its right to argue that the Court, in determining any ultimate fact
22 and rendering its decision in the trial of this matter, should not consider any fact or
23 document relied upon by the other party.
- 24 8. On or before February 15, 2018, the parties will file their joint exhibit list and joint
25 statement of undisputed facts, and each party will file and serve by email its opening
26 brief.
- 27 9. On or before March 1, 2018, each party will file and serve by email its responding
28 brief.

1 10. The Court will set a time for closing arguments at the convenience of the Court's
2 calendar.

3 Dated: September ____, 2017 PORTER SIMON

4
5 By: _____
6 Louis A. Basile
7 Attorneys for Plaintiff
8 CROSS CHECK SERVICES, INC.

9 Dated: September ____, 2017 MURPHY CAMPBELL ALLISTON & QUINN

10
11 By: _____
12 Douglas R. Alliston
13 Attorneys for Plaintiff
14 CROSS CHECK SERVICES, INC.

15
16 Dated: September ____, 2017 COZEN O'CONNOR

17
18 By: _____
19 Michael W. Melendez
20 Attorneys for Defendant
21 OLD REPUBLIC INSURANCE COMPANY

22 ORDER

23 It is hereby ORDERED that the trial of the above-captioned matter will be submitted to the
24 Court pursuant to the following procedure:

- 25 1. On or before October 27, 2017, Old Republic will provide its proposed stipulated
26 facts and exhibits to Cross Check.
- 27 2. On or before November 10, 2017, Cross Check will provide its proposed stipulated
28 facts and exhibits to Old Republic.
3. On or before November 17, 2017, the parties shall meet and confer regarding any
 issues relating to the facts and exhibits they exchanged.

- 1 4. If any “disputed” facts remain after the meet and confer process, the parties shall be
2 allowed until December 15, 2017 to take depositions regarding any remaining
3 “disputed” facts.
- 4 5. On or before January 15, 2018, the parties shall prepare a joint statement of stipulated
5 facts for use at trial according to the procedure set forth herein. The parties agree that
6 all such stipulated facts will be admissible evidence.
- 7 6. On or before January 15, 2018, the parties shall prepare a joint list of exhibits for use
8 at trial according to the procedure set forth herein. The parties agree that all such
9 exhibits will be admissible evidence.
- 10 7. Each party reserves its right to argue that the Court, in determining any ultimate fact
11 and rendering its decision in the trial of this matter, should not consider any fact or
12 document relied upon by the other party.
- 13 8. On or before February 15, 2018, the parties will file their joint exhibit list and joint
14 statement of undisputed facts, and each party will file and serve by email its opening
15 brief.
- 16 9. On or before March 1, 2018, each party will file and serve by email its responding
17 brief.
- 18 **10. On or before March 1, 2018, each party shall file a separate “Request for**
19 **Closing Argument” or, alternatively, a statement indicating its position that oral**
20 **argument is not necessary.**
- 21 **11. The Court will take the matter under submission, and will set a date for closing**
22 **arguments if the court determines that oral arguments are necessary.**

23 It is so ORDERED.

24 Dated: September 29, 2017

25 
26 MORRISON C. ENGLAND, JR.
27 UNITED STATES DISTRICT JUDGE
28