

1 ANDREW D. HEROLD, ESQ., SBN 178640  
 2 [aherold@heroldsagerlaw.com](mailto:aherold@heroldsagerlaw.com)  
 3 EMILY G. COTTRELL, ESQ., SBN 239233  
 4 [ecottrell@heroldsagerlaw.com](mailto:ecottrell@heroldsagerlaw.com)  
 5 BENJAMIN J. HAECK, ESQ., SBN. 226463  
 6 [bhaeck@heroldsagerlaw.com](mailto:bhaeck@heroldsagerlaw.com)  
 7 HEROLD & SAGER  
 8 550 Second Street, Suite 200  
 9 Encinitas, CA 92024  
 10 Telephone: (760) 487-1047  
 11 Facsimile: (760) 487-1067  
 12 Attorneys for Lexington Insurance Company

13 **UNITED STATES DISTRICT COURT**  
 14 **EASTERN DISTRICT OF CALIFORNIA**

15 THE TRAVELERS INDEMNITY  
 16 COMPANY OF CONNECTICUT, a  
 17 Connecticut corporation,  
 18  
 19 Plaintiff,  
 20  
 21 vs.  
 22 LEXINGTON INSURANCE COMPANY, a  
 23 Delaware corporation; DOES 1-10, inclusive,  
 24  
 25 Defendants.

CASE NO.: 2:16-CV-02620-JAM-DB  
**STIPULATION TO CONTINUE TRIAL  
 AND TRIAL-RELATED DATES**  
 Complaint filed: November 2, 2016

26 Plaintiff THE TRAVELERS INDEMNITY COMPANY OF CONNECTICUT  
 27 (“Travelers”) and Defendant LEXINGTON INSURANCE COMPANY (“Lexington”) hereby  
 28 submit the following Stipulation pursuant to FRCP 16(b)(4) to modify the Court’s Status (Pre-  
 Trial) Scheduling Order, entered February 2, 2017 (Document 17) and, for good cause shown, to  
 continue trial and all related dates by 90 days.

WHEREAS, on November 2, 2016, Travelers filed this instant action against Lexington, in  
 the United States District Court, Eastern District of California, case number 2:16-CV-02620-JAM-  
 DB (the “Complaint”);

WHEREAS, in the Complaint, Travelers sought declaratory relief regarding Lexington’s  
 duty to defend and indemnify a common named insured, Montez Glass, in an underlying

1 construction defect action, *The Regents of the University of California v. Flintco, Inc., et al.*,  
2 Superior Court for the State of California, County of Yolo, Case No. CV12-185222 (the  
3 “Underlying Action”);

4 WHEREAS, in December 2016, Lexington agreed to defend Montez Glass pursuant to a  
5 reservation of rights, and it began contributing to Montez Glass’s defense fees and costs;

6 WHEREAS, in October 2017, Montez Glass was dismissed from the Underlying Action,  
7 and in November 2017, the Underlying Action was resolved and dismissed in its entirety;

8 WHEREAS, given Montez Glass’s recent dismissal, its defense fees and costs are not yet  
9 finalized. Montez Glass’s defense counsel is in the process of closing its file and is expected to  
10 issue its final invoice in the next 30-45 days;

11 WHEREAS, the parties cannot proceed on Travelers’ declaratory relief claims until  
12 Montez Glass’s defense fees and costs are finalized and all defense payments are received;

13 WHEREAS, for good cause shown, the parties respectfully request a 90-day extension of  
14 the June 11, 2018 trial date and all trial and discovery related dates, to allow for Montez Glass’s  
15 defense fees and costs to become finalized, for defense payments to be issued, and to allow for  
16 continued settlement negotiations between the parties; and

17 WHEREAS, the parties have not requested a prior trial or discovery continuance in this  
18 matter, and this request is not due to any delay caused by the parties;

19 NOW THEREFORE, the parties, by and through their respective counsel of record,  
20 stipulate and agree as follows:

21 **STIPULATION**

22 1. The parties stipulate to, and request a Court order continuing the June 11, 2018 trial  
23 date and related deadlines as follows:

24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1 Expert disclosure: March 9, 2018  
2 Rebuttal expert disclosure: March 16, 2018  
3 Discovery completion date: April 13, 2018  
4 Last day to file dispositive motions: May 29, 2018  
5 Last day to hear dispositive motions: June 26, 2018  
6 Joint pretrial statement filed by: July 27, 2018  
7 Pretrial conference: August 3, 2018 at 11:00 a.m.  
8 Trial: September 10, 2018 at 9:00 a.m.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 DATED: December 6, 2017

THE AGUILERA LAW GROUP, APLC

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

By: /s/ Ha Eun Cho, Esq.  
A. ERIC AGUILERA, ESQ.  
eaguilera@aguileragroup.com  
KARI M. MYRON, ESQ.  
kmyron@aguileragroup.com  
HA EUN CHO, ESQ.  
hcho@aguileraagroup.com  
Attorneys for Plaintiff, THE TRAVELERS  
INDEMNITY COMPANY OF CONNECTICUT

DATED: December 6, 2017

HEROLD & SAGER

By: /s/ Benjamin J. Haeck, Esq.  
ANDREW D. HEROLD, ESQ.  
aherold@heroldsagerlaw.com  
EMILY G. COTTRELL, ESQ.  
ecottrell@heroldsagerlaw.com  
BENJAMIN J. HAECK, ESQ.  
bhaeck@heroldsagerlaw.com  
Attorneys for Defendant, LEXINGTON  
INSURANCE COMPANY

**GOOD CAUSE HAVING BEEN SHOWN, IT IS SO ORDERED.**

DATED: 12/6/2017

/s/ John A. Mendez  
UNITED STATES DISTRICT COURT JUDGE