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 NATIONWIDE AGRIBUSINESS INSURANCE,  
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 COMPANY  
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9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA

11 NATIONWIDE AGRIBUSINESS  
 INSURANCE; and NATIONWIDE MUTUAL  
 12 INSURANCE COMPANY,

13 Plaintiffs,

14 v.

15 GEORGE PERRY & SONS, INC.; and PAUL  
 GOMES,

16 Defendants.  
 17

Case No.: 2:17-cv-01910-KJM-CKD  
 (Related Case No. 2:18-cv-00188-KJM-CKD)

**STIPULATION AND ORDER  
 REGARDING CONTINUING  
 NATIONWIDE'S MOTION FOR  
 SUMMARY JUDGMENT, DEFENDANT  
 PERRY & SONS' MOTION TO STAY  
 AND THE STATUS CONFERENCE**

Date: June 29, 2018  
 Time: 10 AM  
 Dept.: Courtroom 3

Judge: Hon. Kimberly J. Mueller

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 20 THE PARTIES HERETO by and through their respective counsel stipulate as follows:

21 1. WHEREAS *Nationwide Agribusiness Ins. et al. v. George Perry and Sons, Inc., et*  
 22 *al.*, Case No. 2:17-CV-01910-KJM-CKD (the "Nationwide action") was filed on September 14,  
 23 2017;

24 2. WHEREAS *Unigard Ins. Co., et al. v. George Perry and Sons, Inc., et al.*, Case No.  
 25 2:18-cv-00188-KJM-CKD, (the "Unigard action") was filed on January 26, 2018;

26 3. WHEREAS as the Nationwide action and the Unigard action have been deemed  
 27 related cases;  
 28

1           4.       WHEREAS in the Nationwide action Plaintiffs Nationwide Agribusiness Insurance  
2 and Nationwide Mutual Insurance Company (collectively “Nationwide”) filed a Motion for  
3 Summary Judgment (“Nationwide motion”), and is set for hearing on June 1, 2018 at 10:00 AM in  
4 Courtroom 3;

5           5.       WHEREAS Unigard and OneBeacon (collectively “Unigard”) in the Unigard action  
6 filed a Motion for Partial Summary Judgment (“Unigard motion”), and is also set for hearing on  
7 June 1, 2018; at 10:00 AM in Courtroom 3;

8           6.       WHEREAS at the May 10, 2018 hearing on Defendant Perry & Sons Motion to  
9 Stay, Nationwide and Unigard requested that the hearing date for Nationwide’s and Unigard’s  
10 respective motions for summary judgments be continued to June 29, 2018 because counsel for  
11 Unigard had a conflict with the currently scheduled June 1, 2018 hearing date;

12          7.       WHEREAS the parties agree that having both the Nationwide motion and the  
13 Unigard motion heard on the same date is beneficial to all parties and promotes judicial economy;

14          8.       WHEREAS during the May 10, 2018 hearing on Defendant Perry’s Motion to Stay,  
15 the Court also ordered the Nationwide action and the Unigard action stayed until after it could  
16 consider Nationwide and the Unigard motions for summary judgment (and the hearing thereon);

17          9.       WHEREAS the parties have agreed to continue the hearing date for both the  
18 Nationwide motion and the Unigard motion to June 29, 2018;

19          10.       WHEREAS pursuant to the oral order of the Court on May 10, 2018, the parties  
20 agreed that the matters are stayed until hearing of the Nationwide and Unigard motions for  
21 summary judgment—and the Court’s consideration thereof;

22          11.       WHEREAS, the Court also ordered that after its ruling on Nationwide’s and  
23 Unigard’s motions for summary judgment, the Court indicated it would allow Defendant Perry &  
24 Sons the opportunity to revisit the motion to stay, or to file a new motion; and

25          12.       WHEREAS, a Status Conference/Scheduling Conference was scheduled for June  
26 21, 2018 at 2:30 PM in Courtroom 3; but the Court ordered that the conferences be reset to a date  
27 to be determined at or after the June 29, 2018 hearing on the motions for summary judgment (and  
28

1 that the parties need not file any proposed Status Conference or Scheduling Order statements or  
2 orders).

3 13. THEREFORE, the parties stipulate:

- 4 a. The parties stipulate that the hearing on Nationwide's Motion for Summary  
5 Judgment and Unigard's Motion for Partial Summary Judgment will both be  
6 heard on June 29, 2018 at 10:00 am in Courtroom 3;
- 7 b. All remaining deadlines associated with Nationwide's Motion for Summary  
8 Judgment and Unigard's Motion for Partial Summary Judgment shall be  
9 calculated according to applicable court rules, including that pursuant to  
10 these rules, both Nationwide's and Unigard's briefs in Reply to Defendant  
11 Perry & Sons Oppositions to the motions shall be due June 22, 2018;
- 12 c. The Nationwide action and Unigard action are stayed for all other purposes  
13 until after the hearing on Nationwide's and Unigard's motions for summary  
14 judgment;
- 15 d. After the hearing on the motions for summary judgment the Court will revisit  
16 the Defendant Perry & Sons' Motion to Stay; and
- 17 e. The Status Conference/Scheduling Order Conference set for June 21, 2018 is  
18 vacated, and if necessary, will be rescheduled. The Parties need not meet and  
19 confer and need not submit joint Status Conference Statements or proposed  
20 scheduling Orders.

21 Dated: May 23, 2018

COZEN O'CONNOR

22 By: /s/ Fulton M. Smith III

23 Fulton M. Smith III  
24 Teri Mae Rutledge  
25 Attorneys for Plaintiffs  
26 NATIONWIDE AGRIBUSINESS INSURANCE,  
27 and NATIONWIDE MUTUAL INSURANCE  
28 COMPANY

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Dated: May 23, 2018

DOWNEY BRAND LLP

By: /s/ John C. McCarron  
John C. McCarron  
Attorneys for Defendant  
GEORGE PERRY & SONS, INC.

Dated: May 23, 2018

FARMER SMITH & LANE LLP

By: /s/ Blane A. Smith  
Blane A. Smith  
Attorneys for Defendant  
GEORGE PERRY & SONS, INC.

Dated: May 23, 2018

SELVIN WRAITH HALMAN LLP

By: /s/ Gary R. Selvin  
Gary R. Selvin  
Robin D. Korte  
Attorneys for Plaintiffs in Related Action  
UNIGARD INSURANCE COMPANY and  
ONEBEACON INSURANCE COMPANY

1 **ORDER**

2 Based on the foregoing stipulation and good cause appearing therefore, IT IS HEREBY  
3 ORDERED that:

- 4 1. The hearings on Nationwide’s motion for summary judgment Unigard’s motion for  
5 partial summary judgment are continued from June 1, 2018 to June 29, 2018 at  
6 10:00 a.m. in Courtroom 3. All remaining deadlines associated with Nationwide’s  
7 Motion for Summary Judgment and Unigard’s Motion for Partial Summary  
8 Judgment shall be calculated according to applicable court rules, and the deadline  
9 for Nationwide and Unigard to file any Reply briefs to Defendant Perry & Sons’  
10 Oppositions to the motions is June 22, 2018.
- 11 2. The Nationwide action and Unigard action are stayed for all other purposes until  
12 hearings on Nationwide’s and Unigard’s motions for summary judgment—or until  
13 the Court issues its orders on the motions.
- 14 3. After the Court issues its orders on the motions for summary judgment, the Court  
15 may revisit Defendant Perry & Sons Motion to Stay, if necessary, and
- 16 4. The Status Conference/Scheduling Order Conference set for June 21, 2018 is  
17 vacated, and, if necessary, will be rescheduled. The Parties need not meet and  
18 confer and need not submit joint Status Conference Statements or proposed  
19 scheduling orders.

20 SO ORDERED.

21 DATED: May 28, 2018.

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24 UNITED STATES DISTRICT JUDGE