JOHNSTON   SMITH  A Law Corporation 300 Tamal Plaza, Suite 215  Corte Madera, CA 94925	1 2 3 4 5 6 7 8	ANN K. JOHNSTON (SBN 145022) ajohnston@jo-sm.com TED A. SMITH (SBN 159986) tsmith@jo-sm.com JOHNSTON   SMITH A Law Corporation 300 Tamal Plaza, Suite 215 Corte Madera, CA 94925 Tel: (415) 891-3321 • Fax: (415) 891-3322 Attorneys for Defendant PROPERTY AND CASUALTY INSURANCE COMPANY OF HARTFORD  UNITED STATES DISTRICT COURT	
	10	FOR THE EASTERN DISTRICT OF CALIFORNIA	
	11		
	12	COLLEEN STEWART,	CASE NO. 2:17-CV-02418-TLN-KJN
	13 14	Plaintiff, )	STIPULATION AND ORDER RE BIFURCATION OF TRIAL OF
	15	j	BRANDT FEE ISSUE
	16	PROPERTY AND CASUALTY INSURANCE COMPANY OF HARTFORD,	DATE ACTION FILED: 10/12/2017 TRIAL DATE: None
	17	Defendants.	
	18		
	19	IT IS HEREBY STIPULATED AND AGREED by and between and among	
	20	Plaintiff Colleen Stewart and Defendant Property and Casualty Insurance	
	21	Company of Hartford referred to collectively as "the parties," by and through their	
	22	respective attorneys of record, as follows:	
	23	Pursuant to the suggestion of the California Supreme Court in <i>Brandt v</i> .	
	24	Superior Court (1985) 37 Cal.3d 813, 819-820, the parties agree that they will	
	25	bifurcate the issue of attorney's fees incurred in pursuit of policy benefits, i.e.	
	26	"Brandt fees" to be tried to the court following any determination by a jury of a	
	27	breach of the implied covenant of good faith and fair dealing by Defendant in the	
	28	handling of Plaintiff's claim.	
		Stipulation & Order re Bifurcation of Trial of <i>Brandt</i> Fee Issue	_1 Case No. 2:17-cv-02418-TLN-KJN

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300 Tamal Plaza, Suite 215
Corte Madera, CA 94925

Following a finding by the jury of a breach of the implied covenant of good faith and fair dealing, Plaintiff shall have ten days after a verdict has been rendered to produce to Defendant any and all attorney fee agreements and attorney fee arrangements between Plaintiff and any law firm or attorney relating to pursuit of policy benefits in the subject action, and attorney bills and documents regarding attorney's fees relating to the pursuit of policy benefits in the subject action. Within 20 days of production of this documentation, Defendant may perform discovery regarding attorney's fees, including deposing Plaintiff's counsel regarding any fees claimed by Plaintiff in the present action. Within 20 days following the completion of any depositions of Plaintiff's counsel regarding any fees claimed by Plaintiff in the present action, or at the court's earliest convenience, whichever is later, the *Brandt* fee issue will be tried to the court in a separate bifurcated proceeding.

The parties agree that there will be no reference to attorney's fees during the jury trial of this matter.

DATED: September 4, 2018

By: \_\_/s/ James H. Vorhis
\_\_As authorized on 9/4/18
\_\_James H. Vorhis
Attorneys for Plaintiff
Colleen Stewart

DATED: September 4, 2018

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By: s/ Ann K. Johnston
Ann K. Johnston
Attorneys for Defendant
Property and Casualty Insurance
Company of Hartford

## IT IS SO ORDERED.

Dated: September 10, 2018

A Law Corporation 300 Tamal Plaza, Suite 215 Corte Madera, CA 94925

JOHNSTON | SMITH

United States District Judge

Troy L. Nunley