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25 NATIONAL UNION FIRE INSURANCE  
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1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION

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5 THE PACIFIC LUMBER COMPANY, a  
6 Delaware corporation; SCOTIA PACIFIC  
7 COMPANY LLC, a Delaware corporation;  
8 MAXXAM INC., a Delaware corporation;  
9 MAXXAM GROUP INC., a Delaware  
10 corporation; MAXXAM GROUP HOLDINGS  
11 INC., a Delaware corporation; CHARLES E.  
12 HURWITZ, an individual; GARY CLARK, an  
13 individual; JOHN CAMPBELL, an individual;  
14 and ROBERT MANNE, an individual,

11 Plaintiffs,

12 v.

13 GENERAL STAR INDEMNITY COMPANY,  
14 a Connecticut corporation;  
15 TRANSPORTATION INSURANCE  
16 COMPANY, an Illinois corporation,

15 Defendants.

16  
17 And Related Third Party Actions.

Case No. C-06 0212 EDL

**CASE MANAGEMENT STATEMENT**

Date: April 14, 2009

Time: 10:00 a.m.

Dept.: Courtroom E

The Honorable Elizabeth Laporte

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19 Pursuant to the Court's Order of February 11, 2009, the parties to this action jointly  
20 submit this case management conference statement. The parties have consented to trial before  
21 Magistrate Judge Laporte.

22 As this Court is aware, plaintiffs Pacific Lumber Company ("PALCO") and Scotia Pacific  
23 Company, LLC filed for Chapter 11 bankruptcy protection in the U.S. Bankruptcy Court for the  
24 Southern District of Texas, Corpus Christi Division, case numbers 07-20028-C-11 and 70-20032-  
25 C-11 (jointly administered under case number 07-20027-C-11). As a result of the bankruptcy  
26 action, the PALCO's interests are now represented by the PLC Litigation Trust (the "PLC  
27 Trust"), which now holds all of PALCO's rights pursuant to the approved bankruptcy plan.  
28

1 Plaintiffs Scotia Pacific Company LLC and Scotia Pacific Holding Company LLC have been  
2 dissolved and their interests are now represented by the SPC Litigation Trust (the “SPC Trust”).

3 As previously reported, the PLC Trust, SPC Trust, Transportation Insurance Co. (“TIC”),  
4 and General Star Indemnity Co. (“General Star”) have reached a settlement in which the PLC  
5 Trust and SPC Trust will release their claims against TIC and General Star for the underlying  
6 *Cave, Cook and Johnson* actions. The settlement agreement, entitled Stipulation Resolving  
7 Claims Under CNA Insurance Program, has now been fully executed and will be filed very  
8 shortly with the bankruptcy court for approval. The parties do not anticipate any opposition to  
9 this motion and, once granted, will result in the release and dismissal of the claims by the PLC  
10 Trust and SPC Trust against TIC and General Star.

11 Separately, plaintiffs MAXXAM and the remaining individual plaintiffs have engaged in  
12 discussions with TIC and General Star to try to resolve their disputes regarding the duty to  
13 defend. These discussions are ongoing, and TIC and General Star expect to have a response to  
14 MAXXAM very shortly. If these discussions are successful, it is likely that this entire coverage  
15 action can be dismissed without prejudice. Accordingly, to permit further time to negotiate the  
16 terms of the proposed resolution, the parties respectfully request that the Case Management  
17 Conference currently scheduled for April 14, 2009 be continued for 30 days.

18  
19 Respectfully submitted,

20 DATED: April 7, 2009

STOEL RIVES LLP

21 By: /s/ Scott J. Kaplan

22 SCOTT J. KAPLAN

23 Attorneys for Plaintiffs/Counter-Defendants

24 MAXXAM INC., MAXXAM GROUP INC., MAXXAM

25 GROUP HOLDINGS INC., CHARLES E. HURWITZ,

26 JOHN CAMPBELL and ROBERT MANNE

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DATED: April 7, 2009

COLLIAU ELENUS MURPHY CARLUCCIO  
KEENER & MORROW

By: /s/ Sherman C. Lee  
SHERMAN C. LEE  
Attorneys for Defendant and Counter-Complainant  
TRANSPORTATION INSURANCE COMPANY

DATED: April 7, 2009

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By: /s/ Alan H. Barbanel  
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Cross-Claimant and Third-Party Plaintiff  
GENERAL STAR INDEMNITY COMPANY

DATED: April 7, 2009

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Rebecca R. Weinreich  
REBECCA R. WEINREICH  
Attorneys for Third-Party Defendant NATIONAL  
UNION FIRE INSURANCE COMPANY OF  
PITTSBURGH, PA

**DECLARATION REGARDING SIGNATURES**

I, Sherman C. Lee, declare under penalty of perjury that I obtained concurrence to file this document from counsel for defendants.

/s/ Sherman C. Lee  
Sherman C. Lee

**ORDER**

The case management conference currently scheduled for April 14, 2009 is continued to May 19, \_\_\_\_\_, 2009. Counsel shall submit a further joint status report to the Court no later than May 12 \_\_\_\_\_, 2009.

Dated: April 8, 2009

THE HONORABLE Elizabeth D. Laporte  
Judge Elizabeth D. Laporte  
APORTE



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**PROOF OF SERVICE**

I am a citizen of the United States, over the age of eighteen years, and not a party to the within action; my business address is Colliau Elenius Murphy Carluccio Keener & Morrow, Suite 600, 405 Howard Street, San Francisco, CA 94105.

On April 7, 2009, I served the foregoing document described as:

**CASE MANAGEMENT STATEMENT**

on the attorney(s) of record and/or interested parties in the case *The Pacific Lumber Co., et al. v. General Star Indemnity Co., et al. and related cross-actions, U.S.D.C., No. Dist. of California, Case No. C 060212 EDL*, as follows:

**SEE ATTACHED SERVICE LIST**

**BY FACSIMILE TRANSMISSION.** By transmitting via facsimile machine to the parties listed above. The facsimile machine I used complied with  *California Rules of Court, Rule 2003*  *Federal Rule of Civil Procedure 4*, and the transmission was reported as complete, without error by a transmission report issued by the transmitting facsimile machine immediately upon completion of transmittal.

By placing  a true copy  the original thereof enclosed in sealed envelope(s) to the parties listed above and transmitting:

**BY U.S. MAIL.** I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

**BY OVERNIGHT CARRIER.** I delivered the foregoing documents to a courier or driver authorized by the overnight carrier to receive and transport documents for overnight delivery. I am “readily familiar” with the firm’s practice of collection and processing correspondence for overnight carrier. It is deposited with the overnight carrier on the same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

**BY ELECTRONIC TRANSMISSION.** I electronically transmitted the attached documents to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the ECF registrants.

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I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 7, 2009, in the City and County of San Francisco, California.

/s/Paula Woolery

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PAULA WOOLERY

1 **THE PACIFIC LUMBER COMPANY, ET AL. V. GENERAL STAR INDEMNITY COMPANY, ET AL. AND**  
2 **RELATED CROSS-ACTIONS** U.S.D.C., NO. DIST. OF CALIFORNIA, CASE No. : C 060212 EDL

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