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6 Attorneys for Defendant, WESTCHESTER  
 SURPLUS LINES INSURANCE COMPANY  
 7 erroneously sued as WESTCHESTER SURPLUS  
 LINES INSURANCE COMPANY also known as  
 8 ACE WESTCHESTER SPECIALTY GROUP

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

RCMC, INC., also known as RAINBOW  
 CONSTRUCTION,

Plaintiff,

vs.

WESTCHESTER SURPLUS LINES  
 INSURANCE COMPANY also known as  
 ACE WESTCHESTER SPECIALTY  
 GROUP, DOES 1 through 50, inclusive,

Defendants.

Case No. C 06-00839-JSW

**STIPULATION IN SUPPORT OF  
 ADMINISTRATIVE MOTION TO  
 CONSIDER WHETHER CASES SHOULD  
 BE RELATED**

**(L.R. 3-12(b), 7-11)**

*Filed concurrently with Administrative Motion  
 to Consider Whether Cases Should Be Related  
 and Proposed Order*

21 TO THIS HONORABLE COURT:

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RECITALS

A. Plaintiff RCMC, INC., also known as RAINBOW CONSTRUCTION ("RCMC")  
 filed this action on December 14, 2005, in the California Superior Court for the County of  
 Mendocino, Ukiah Branch, naming WESTCHESTER SURPLUS LINES INSURANCE  
 COMPANY ("WESTCHESTER") (*erroneously sued as being also known as Ace Westchester  
 Specialty Group*), as defendant. This Complaint alleges various causes of action arising out of

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1 WESTCHESTER's denial of a claim for insurance benefits relating to water damage sustained in a  
2 building at the Mendocino College campus. RCMC was the general contractor who repaired the  
3 water damage and contends that it is entitled to receipt of said benefits under the insurance policy  
4 issued to Mendocino-Lake Community College District.

5 B. On February 8, 2006, WESTCHESTER removed this lawsuit to the States District  
6 Court for the Northern District of California based on diversity jurisdiction. The case now bears  
7 case no. C 06-00839-JSW and has been assigned to Judge Jeffrey S. White in Department 2 of this  
8 Court.

9 C. On December 28, 2005, MENDOCINO-LAKE COMMUNITY COLLEGE  
10 DISTRICT ("MENDOCINO") filed an action in the California Superior Court for the County of  
11 Mendocino, Ukiah Branch, naming WESTCHESTER SURPLUS LINES INSURANCE  
12 COMPANY ("WESTCHESTER") (*erroneously sued as being also known as Ace Westchester*  
13 *Specialty Group*), as defendant. This Complaint also alleges various causes of action arising out  
14 of Westchester's denial of the claim for insurance benefits relating to the water damage sustained  
15 at Mendocino's property.

16 D. On February 8, 2006, WESTCHESTER also removed this action, based on  
17 diversity jurisdiction, to the United States District Court for the Northern District of California.  
18 The case now bears case no. C 06-00840-WHA and has been assigned to Judge William Alsup in  
19 Department 9 of this Court.

20 E. The referenced actions concern substantially the same parties, property,  
21 transactions and events. They both seek policy benefits, equitable relief and other damages based  
22 on the common assertion that WESTCHESTER owes insurance coverage under the policy issued  
23 to MENDOCINO for the water damage sustained at the school building. As a result, the factual  
24 and legal issues concerning coverage will be the same in both cases.

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1 F. If the cases are not related, this will result in a duplication of efforts by the parties  
2 and place an extra and unnecessary burden on the Court by requiring two judges to separately  
3 administer the separate but substantially similar matters. Further, there is a risk of conflicting  
4 judicial determinations if the cases remain unrelated and proceed before two different District  
5 Court Judges.

6  
7 **STIPULATION**

8 Based on the above recitals, the parties who have appeared in this action, and in the  
9 MENDOCINO action, through their respective attorneys of record, hereby stipulate to the entry of  
10 an Order which deems Case No. C 06-00839-JSW and Case No. C 06-00840-WHA related and  
11 which requires the following administrative action:

- 12 1. Case No. C 06-00839-JSW shall stand as the lead case.
- 13 2. All further matters shall be filed under the caption for Case No. C 06-00839-JSW,  
14 with a notation stating that Case No. C 06-00840-WHA is related thereto.

15  
16 DATED: February 21, 2006

RYAN STEINER & LEET

17  
18 By:   
19 Jeffrey Ryan  
20 Attorneys for Plaintiff, RCMC, INC. also known as  
RAINBOW CONSTRUCTION

21 DATED: February \_\_, 2006

SCHOOL AND COLLEGE LEGAL SERVICES OF CALIFORNIA

22  
23  
24 By: \_\_\_\_\_  
25 Noel J. Shumway  
26 Arthur A. Wick  
27 Attorneys for Plaintiff, MENDOCINO-LAKE  
28 COMMUNITY COLLEGE DISTRICT

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11 which requires the following administrative action:

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- 13 2. All further matters shall be filed under the caption for Case No. C 06-00839-JSW,  
14 with a notation stating that Case No. C 06-00840-WHA is related thereto.

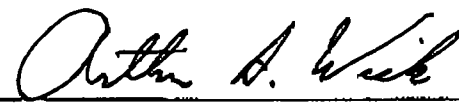
15  
16 DATED: February \_\_, 2006

RYAN STEINER & LEET

17  
18 By: \_\_\_\_\_  
19 Jeffrey Ryan  
20 Attorneys for Plaintiff, RCMC, INC. also known as  
RAINBOW CONSTRUCTION

21 DATED: February 23, 2006

SCHOOL AND COLLEGE LEGAL SERVICES OF  
22 CALIFORNIA

23  
24 By:   
25 Noel J. Shumway  
Arthur A. Wick  
26 Attorneys for Plaintiff, MENDOCINO-LAKE  
COMMUNITY COLLEGE DISTRICT


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1 DATED: February \_\_\_\_, 2006

ANDERSON, McPHARLIN & CONNERS LLP

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By:   
Michael C. Phillips APC  
Lisa L. Coplen  
Attorneys for Defendant, WESTCHESTER SURPLUS  
LINES INSURANCE COMPANY *erroneously sued as*  
*WESTCHESTER SURPLUS LINES INSURANCE*  
*COMPANY also known as ACE WESTCHESTER*  
*SPECIALTY GROUP*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 24, 2006

  
JUDGE OF THE UNITED STATES DISTRICT  
COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is Thirty-First Floor, 444 South Flower Street, Los Angeles, California 90071-2901.

On February 23, 2006, I served the following document(s) described as **STIPULATION IN SUPPORT OF ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Noel J. Shumway  
Arthur A. Wick  
School and College Legal Services of California  
5350 Skylane Boulevard  
Santa Rosa, CA 95403  
Telephone: (707) 524-2690  
Facsimile: (707) 578-0517

**Attorneys for Plaintiff in  
Case No. C 06-0840 WHA  
Related Action**

**BY MAIL:** I am "readily familiar" with Anderson, McPharlin & Conners' practice for collecting and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following ordinary business practices.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on February 23, 2006, at Los Angeles, California.

  
Maryann Ortega

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