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8 Attorneys for Plaintiff and Counter Defendant
9 UTICA Mutual Insurance Company

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

UTICA MUTUAL INSURANCE
COMPANY,

Plaintiff,

v.

HAMILTON SUPPLY COMPANY
INCORPORATED, a California
corporation,

Defendant;

LIBERTY MUTUAL INSURANCE
COMPANY,

Defendant-in-Intervention,

LIBERTY MUTUAL INSURANCE
COMPANY,

Counter Claimant,

v.

UTICA MUTUAL INSURANCE
COMPANY, ET AL.,

Counter Defendant.

CASE NO.: 3:06-cv-07846-SI

UTICA MUTUAL INSURANCE
COMPANY'S AND LIBERTY
MUTUAL INSURANCE COMPANY'S
STIPULATION TO STAY ACTION

Complaint Filed: December 22, 2006
Trial Date: December 15, 2008

Assigned For All Purposes: Hon. Susan
Illston

Referred to Chief Magistrate Judge James
Larson for Settlement.

Plaintiff and Counter Defendant UTICA MUTUAL INSURANCE COMPANY
and Defendant-in-Intervention and Counter Claimant LIBERTY MUTUAL
INSURANCE COMPANY, by and through their attorneys of record:

1 Whereas UTICA MUTUAL INSURANCE COMPANY and LIBERTY
2 MUTUAL INSURANCE COMPANY each issued comprehensive general liability
3 insurance policies to HAMILTON SUPPLY COMPANY; and

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5 Whereas various plaintiffs have filed lawsuits against HAMILTON SUPPLY
6 COMPANY for injuries sustained as a result of exposure to asbestos; and

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8 Whereas UTICA MUTUAL and LIBERTY MUTUAL have been defending
9 HAMILTON SUPPLY under a cost sharing agreement with other insurers; and

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11 Whereas UTICA MUTUAL filed this action against HAMILTON SUPPLY
12 seeking reformation and declaratory relief; and

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14 Whereas UTICA MUTUAL asserted that HAMILTON SUPPLY had
15 misrepresented its asbestos exposures when it sought to purchase the policy from
16 UTICA MUTUAL; and

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18 Whereas UTICA MUTUAL asserted that HAMILTON SUPPLY failed to
19 cooperate in the defense of the various asbestos lawsuits filed against it; and

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21 Whereas HAMILTON SUPPLY did not file a responsive pleading, but
22 LIBERTY MUTUAL intervened in the lawsuit and filed a counterclaim; and

23
24 Whereas all of the underlying asbestos cases have settled except one, and

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26 Whereas the parties believe it would be in the interest of justice and in the
27 interest of judicial economy to stay this action, to avoid the expense and time of
28 discovery and litigation, and to enable the parties to determine whether the issues

1 raised in the underlying lawsuit are of sufficient magnitude and gravity as to merit the
2 continued litigation this lawsuit;

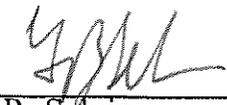
3
4 Therefore, UTICA MUTUAL and LIBERTY MUTUAL hereby stipulate as
5 follows:

6
7 1. Effective upon execution of this stipulation, and subject to the Court
8 issuing an order granting the terms of the stipulation, the parties agree to stay this
9 lawsuit for 180 days;

10
11 2. The parties agree to continue trial to date mutually convenient to the Court
12 and themselves, in or around July 2009;

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14 Dated: *Oct. 2, 2008*

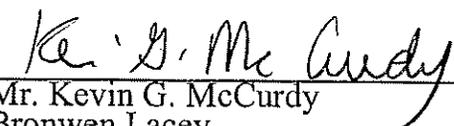
SELVIN WRAITH HALMAN LLP

15
16 By: 

17 _____
18 Gary R. Selvin
19 Attorney for Plaintiff and Counter
20 Defendant
21 UTICA Mutual Insurance Company

22
23 Dated: *9-29-08*

McCURDY & FULLER LLP

24
25 By: 

26 _____
27 Mr. Kevin G. McCurdy
28 Bronwen Lacey
Attorneys for Defendant-in-Intervention
Liberty Mutual Insurance Company

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UTICA Mutual Insurance Company
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO
10 DIVISION

11 UTICA MUTUAL INSURANCE
COMPANY,

12 Plaintiff,

13 v.

14 HAMILTON SUPPLY COMPANY
15 INCORPORATED, a California
corporation,

16 Defendant;

17 LIBERTY MUTUAL INSURANCE
18 COMPANY,

19 Defendant-in-Intervention,

20 LIBERTY MUTUAL INSURANCE
COMPANY,

21 Counter Claimant,

22 v.

23 UTICA MUTUAL INSURANCE
24 COMPANY, ET AL.,

25 Counter Defendant.

CASE NO.: 3:06-cv-07846-SI

[PROPOSED] ORDER GRANTING
UTICA MUTUAL INSURANCE
COMPANY'S AND LIBERTY
MUTUAL INSURANCE COMPANY'S
STIPULATION TO STAY ACTION

Complaint Filed: December 22, 2006
Trial Date: December 15, 2008

Assigned For All Purposes: Hon. Susan
Illston

Referred to Chief Magistrate Judge James
Larson for Settlement.

26 Based on the parties UTICA MUTUAL INSURANCE COMPANY'S and
27 LIBERTY MUTUAL INSURANCE COMPANY'S Stipulation to Stay Action;
28

1 IT IS SO ORDERED. This action is stayed until April 1, 2009. Trial is
2 continued to July 6, 2009. The Court sets a status conference for April 17, 2009.
3 at 2:30 p.m. The pretrial conference shall occur on June 23, 2009 at 3:30 p.m.

4 Dated:


5 Judge Susan Blanton
United States District Court Judge

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1	Re:	UTICA Mutual Insurance v. Hamilton Supply Company, Inc.
2	Court:	Northern District of California - San Francisco
3	Action No.	3:06-CV-07846-SI

PROOF OF SERVICE

I declare that I am over the age of 18, am not a party to the above-entitled action, and am an employee of Selvin Wraith Halman LLP whose business address is 505 14th Street, Suite 1200, Oakland, Alameda County, California 94612.

On October 2, 2008, I served the following document(s):

UTICA MUTUAL INSURANCE COMPANY'S AND LIBERTY MUTUAL INSURANCE COMPANY'S STIPULATION TO STAY ACTION;

[PROPOSED] ORDER GRANTING UTICA MUTUAL INSURANCE COMPANY'S AND LIBERTY MUTUAL INSURANCE COMPANY'S STIPULATION TO STAY ACTION

By ELECTRONIC FILE TRANSFER TO ECF FILE & SERVE: By transmitting a true copy the document(s) listed above for service on all parties in this case pursuant to applicable statutes, local rules and/or order of this Court.

Mr. Kevin G. McCurdy
McCurdy & Fuller LLP
1080 Marsh Road, Suite 110
Menlo Park, CA 94025-1022
Telephone No.: (650) 618-3500
Fax No.: (650) 618-3599
Email: kevin.mccurdy@mccurdylawyers.com

Attorneys for Defendant-in-Intervention:
Liberty Mutual Insurance Company

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: October 2, 2008

/s/ Marisa Shelby
Marisa D. Shelby