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 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 HOMESTAKE LEAD COMPANY OF
 MISSOURI,
 13
 Plaintiff,
 14
 versus
 15
 NATIONAL UNION FIRE INSURANCE
 16 COMPANY OF PITTSBURGH, PA and THE
 CONTINENTAL INSURANCE COMPANY,
 17
 Defendants.

No. C-07-2634-EMC

**STIPULATION TO CONTINUE (1)
 CASE MANAGEMENT CONFERENCE
 AND (2) HEARING ON DEFENDANT
 CONTINENTAL'S MOTION TO
 DISMISS AND [PROPOSED] ORDER
 THEREON**

Complaint Filed: May 17, 2007
 Trial Date: None set
 Judge: Hon. Edward M. Chen

STIPULATION

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

21 On February 27, 2008 and September 5, 2008, plaintiff Homestake Lead Company of
 22 Missouri ("Homestake"), defendant National Union Fire Insurance Company of Pittsburgh, PA
 23 ("National Union"), and defendant The Continental Insurance Company ("Continental")
 24 participated in a mediation. At the September 5 mediation, the parties reached a settlement in
 25 principle regarding all matters at issue in this litigation. The parties are currently drafting
 26 settlement agreements and expect to have settlements finalized by the beginning of December
 27 2008 and to file a dismissal of this action shortly thereafter.
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GENERAL ORDER 45 CERTIFICATION¹

I, Vance A. Woodward, hereby attest pursuant to N.D. Cal. General Order No. 45 that the concurrence to the filing of this document has been obtained from each signatory hereto.

Executed this 4th day of November, 2008, at San Francisco, California.

By /s/ Vance A. Woodward

VANCE A. WOODWARD
Attorneys for Defendant
THE CONTINENTAL INSURANCE COMPANY

ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT:

1:30

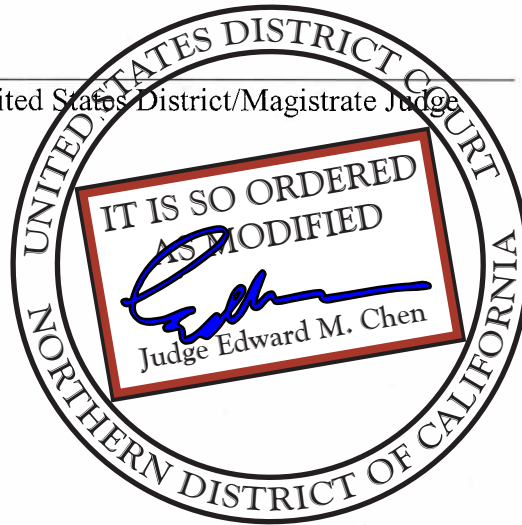
1. The Case Management Conference is continued to January 14, 2009, at ~~2:30~~ 1:30 p.m.

The parties' Case Management Conference Statement shall be due January 7, 2009.

2. The hearing on Continental's Motion to Dismiss is taken off calendar.

DATED: Nov. 7, 2008

United States District/Magistrate Judge



¹ This document has been filed and served pursuant to United States District Court for the Northern District of California General Order 45, so no certificate of service is required. Civil L.R. 5-4; Civil L.R. 5-5; Civil L.R. 5-6.