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

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

No. C-07-2634-EMC

**STIPULATION TO CONTINUE CASE
 MANAGEMENT CONFERENCE 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:

On February 27, 2008 and September 5, 2008, plaintiff Homestake Lead Company of Missouri (“Homestake”), defendant National Union Fire Insurance Company of Pittsburgh, PA (“National Union”), and defendant The Continental Insurance Company (“Continental”) participated in a mediation. At the September 5 mediation, the parties reached a settlement in principle regarding all matters at issue in this litigation. The parties are currently drafting settlement agreements and expect to have settlements finalized by the beginning of February 2009 and to file a dismissal of this action shortly thereafter.

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THEREFORE, the parties respectfully request the following conference dates be continued as follows, with the expectation the conference will be taken off calendar once the dismissal is filed:

1. Case Management Conference from January 14, 2009, at 2:30 p.m., to February 25, 2009, at 1:30 p.m. The parties' Case Management Conference Statement shall be due February 18, 2009.

Dated: January 6, 2009 CARROLL, BURDICK & McDONOUGH LLP

By /s/ Alan Jacobus
ALAN JACOBUS
Attorneys for Defendant
THE CONTINENTAL INSURANCE COMPANY

Dated: January 6, 2009 HOWREY LLP

By /s/ Daven G. Lowhurst
DAVEN G. LOWHURST
Attorneys for Plaintiff
HOMESTAKE LEAD COMPANY OF MISSOURI

Dated: January 6, 2009 LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ Rene Gamboa
RENE GAMBOA
Attorneys for Defendant
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA

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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 6th day of January, 2009, at San Francisco, California.

By /s/ Vance A. Woodward

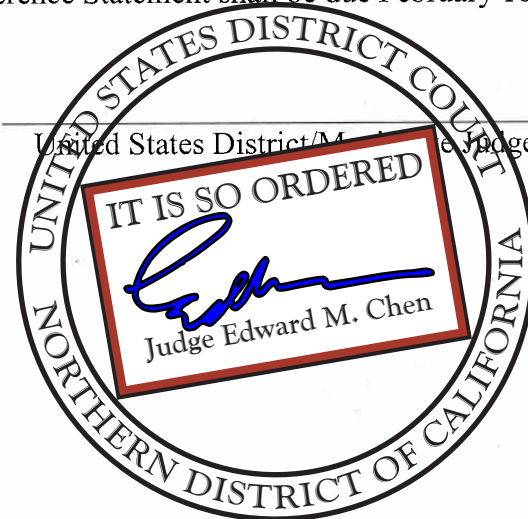
VANCE A. WOODWARD
Attorneys for Defendant
THE CONTINENTAL INSURANCE COMPANY

ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT:

1. The Case Management Conference is continued to February 25, 2009, at 1:30 p.m. The parties' Case Management Conference Statement shall be due February 18, 2009.

DATED: Jan. 8, 2009



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.