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Attorney for Plaintiff  
COLUMBIA CASUALTY COMPANY

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

COLUMBIA CASUALTY COMPANY,	)	Case No.: C 08-03455 MEJ
	)	
Plaintiff,	)	STIPULATED DISCOVERY PLAN AND
	)	SCHEDULING ORDER
vs.	)	[SPECIAL SCHEDULING REVIEW
	)	REQUESTED]
ALLIED INSURANCE, a Nationwide	)	
Company; NATIONWIDE MUTUAL	)	
INSURANCE COMPANY, and DOES 1	)	
through 50, inclusive.	)	
	)	
Defendants.	)	
	)	
	)	
	)	

Plaintiff Columbia Casualty Company ("COLUMBIA") and defendants Allied Insurance ("ALLIED") and Nationwide Mutual Insurance Company ("NATIONWIDE") hereby submit the following discovery plan.

**FRCP Rule 26(f)**

(A) **Changes to timing, form or requirement to disclosures under Rule 26(a):**  
None.

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1           **(B) The subjects on which discovery may be needed and whether discovery**  
2 **should be limited or conducted in phases:** The parties submit that discovery should be limited  
3 to permit briefing on the legal issue of whether the Allied Insurance Company Homeowners  
4 Insurance policy provided coverage for the matters alleged in the underlying state court action and  
5 if so, whether plaintiff is entitled to recover the amount it paid to assist in the settlement of that  
6 case. The parties will stipulate to the existence and terms of their respective insurance policies,  
7 the amount that plaintiff paid on behalf of the common insured, and the underlying settlement  
8 agreement. This voluntary exchange and stipulation should permit briefing on the subrogation  
9 issue as a matter of law.

10           The parties request the following summary judgment schedule be set:

11	November 21, 2008	Opening briefs
12	December 12, 2008	Opposition briefs
13	December 22, 2008	Reply briefs
14	January 6, 2009	Hearing date (if needed)

15           If it appears that the case may not be resolved by a dispositive motion, the parties may  
16 want to conduct limited discovery.

17           **(C) Issues about disclosure or discovery of electronically stored information:**

18           None.

19           **(D) Issues regarding claims of privilege or of protection of trial-preparation**  
20 **materials:** None.

21           **(E) Changes to limitations on discovery:** None.

22           **(F) Other orders that the court should issue under Rule 26(c) or under Rule 16(b)**  
23 **and (c):** None.

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1 IT IS SO AGREED.

2  
3 DATED: October 15, 2008

COLLIAU ELENUS MURPHY CARLUCCIO KEENER  
& MORROW

4  
5  
6 By: [Signature]  
7 William D. Paoli,  
8 Attorneys for Plaintiff  
9 COLUMBIA CASUALTY COMPANY

10 DATED: October 15, 2008

11 GRECO TRAFICANTE SCHULZ & BRICK  
12 By: [Signature]  
13 Jon S. Brick  
14 Attorneys for Defendants  
15 ALLIED INSURANCE and  
16 NATIONWIDE MUTUAL INSURANCE  
17 COMPANY

18 **ORDER**

19 IT IS SO ORDERED.

20 Dated: October 28, 2008



**CERTIFICATE OF SERVICE**

I certify that on this 16<sup>th</sup> day of October, 2008, I electronically transmitted the attached document(s) 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 following ECF registrants:

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Attorneys for Defendants  
ALLIED INSURANCE and NATIONWIDE  
MUTUAL INSURANCE COMPANY

  
\_\_\_\_\_  
Nyra Pierce