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8 ATTORNEYS FOR UNITED STATES OF AMERICA

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

12 UNITED STATES OF AMERICA,)	No. 08-05005 MMC
)	
13 Plaintiff,)	
)	STIPULATION AND PROPOSED
14 v.)	ORDER REGARDING INITIAL CASE
)	DEADLINES AND MANAGEMENT
15 ZURICH INSURANCE COMPANY, ZURICH)	ISSUES
16 AMERICAN INSURANCE COMPANY and)	
STEADFAST INSURANCE COMPANY,)	
)	
17 Defendants.)	

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 19 WHEREAS, the United States of America filed this action on November 3, 2008;
 20 WHEREAS, the parties have been in communication through their respective attorneys;
 21 WHEREAS, the United States has received completed Waiver of Service of Summons forms
 22 from Steadfast Insurance Company and Zurich American Insurance Company, executed December 4,
 23 2008;
 24 WHEREAS, the time for filing a first responsive pleading to the complaint for Steadfast
 25 Insurance Company and Zurich American Insurance Company is sixty days after November 6, 2008,
 26 or namely January 5, 2009; and
 27 WHEREAS, the parties desire to continue their present discussions at an early private
 28 mediation as described below:

1 The parties stipulate as follows:

2 1. The parties have agreed to attend private mediation on or before January 30, 2009.

3 2. The parties have agreed that the time for Steadfast Insurance Company and Zurich
4 American Insurance Company to file an initial responsive pleading is extended by
5 thirty days to February 4, 2009.

6 3. The parties further agree that either plaintiff or any defendant may e-file a statement
7 terminating the mediation process at any time and for any reason. In that event, the
8 time for Steadfast Insurance Company and Zurich American Insurance Company to
9 file an initial responsive pleading to the complaint would be as follows:

10 (a) if any defendant terminates the mediation, February 4, 2009 or the day on
11 which mediation is terminated, or

12 (b) if plaintiff terminates the mediation, either February 4, 2009 or 10 days
13 after the plaintiff's termination, whichever date is later.

14 The date of the e-filing of the termination notice will initiate the running of the time
15 periods described in this agreement.

16 4. The parties request that the dates for ADR Certification, Initial Disclosures under
17 FRCP 26, preparation of the Case Management Conference Statement and the Initial
18 Case Management Conference be postponed by approximately 30 days, respectively,
19 from the dates previously ordered by the Court and that the Initial Case Management
20 Conference be set for a date in mid-March 2009.

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1 IT IS SO STIPULATED.

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3 Dated: December 23, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

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6 By: s/Jonathan U. Lee
CHARLES M. O'CONNOR
JONATHAN U. LEE
Assistant U.S. Attorneys
7 COUNSEL FOR PLAINTIFF
8

9 Dated: December 23, 2008

SQUIRE, SANDERS & DEMPSEY LLP

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11 s/David A. Galianelli
DAVID A. GABIANELLI
12 COUNSEL FOR DEFENDANTS STEADFAST
INSURANCE COMPANY AND ZURICH
13 AMERICAN INSURANCE COMPANY
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16 PURSUANT TO STIPULATION, IT IS SO ORDERED. Specifically, the Case Management
Conference is continued to March 27, 2009, at 10:30 a.m.

17 Date: December 24, 2008

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19 HON. MAXINE M. CHENEY
United States District Judge
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28 Stipulation and Proposed Order
USA v. Zurich, et al., Action 08-05005 MMC