

1 JOYCE C. WANG [Bar No.: 121139]  
2 CARLSON, CALLADINE & PETERSON LLP  
3 353 Sacramento Street, 16<sup>th</sup> Floor  
4 San Francisco, California 94111  
5 Telephone: (415) 391-3911  
6 Facsimile: (415) 391-3898

7 Attorneys for Plaintiff  
8 THE TRAVELERS INDEMNITY COMPANY OF CONNECTICUT

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

12 THE TRAVELERS INDEMNITY )  
13 COMPANY OF CONNECTICUT )

CASE NO.: C09-02022-JSW

14 Plaintiff,

15 vs.

16 )  
17 ) **STIPULATION AND [PROPOSED]**  
18 ) **ORDER CONTINUING CASE**  
19 ) **MANAGEMENT CONFERENCE**

20 MURPHY INVESTMENTS, dba MURPHY )  
21 SAN FRANCISCO, LP; BARTHOLOMEW )  
22 MURPHY, individually and as Co-Trustee for )  
23 THE MURPHY/MOORE FAMILY TRUST )  
24 ESTABLISHED BY DECLARATION OF )  
25 TRUST DATED MAY 12, 2000 and THE )  
26 MURPHY/ MOORE FAMILY TRUST )  
27 AMENDED AND RESTATED ON MARCH )  
28 5, 2003 and THE MURPHY/MOORE )  
FAMILY TRUST, ESTABLISHED BY )  
DECLARATION OF TRUST DATED MAY )  
12, 2000 AND AMENDED ON SEPTEMBER )  
8, 2000 and THE BARTHOLOMEW )  
MURPHY LIVING TRUST, ESTABLISHED )  
BY DECLARATION DATED MAY 12, 2000, )  
AN UNDIVIDED 1/3 INTEREST; )  
CATHERINE MURPHY, individually and as )  
Co-Trustee for the DENIS T. & CATHERINE )  
MURPHY FAMILY TRUST ESTABLISHED )  
BY DECLARATION OF TRUST DATED )  
MARCH 4, 1994 and the DENIS T. & )  
CATHERINE MURPHY FAMILY TRUST- )  
SURVIVOR'S TRUST; DENIS T. MURPHY )  
individually and as Co-Trustee for the DENIS )  
T. & CATHERINE MURPHY FAMILY )  
TRUST ESTABLISHED BY )  
DECLARATION OF TRUST DATED )  
MARCH 4, 1994 and the DENIS T. & )  
CATHERINE MURPHY FAMILY TRUST- )  
SURVIVOR'S TRUST; MARQUERITA )

(FRCP Rule 4(e)(1))

CARLSON CALLADINE & PETERSON LLP  
353 SACRAMENTO STREET,  
SUITE 1600  
San Francisco, CA 94111

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**STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE**

**CASE No.: C09-02022-JSW**

CARLSON  
CALLADINE  
&  
PETERSON  
LLP  
353  
SACRAMENTO  
STREET,  
SUITE 1600  
San Francisco,  
CA 94111

MURPHY; DANIEL P. MURPHY; JOAN M. MURPHY; BILEEN W. MOORE, individually and as Co Trustee for THE MURPHY/MOORE FAMILY TRUST ESTABLISHED BY DECLARATION OF TRUST DATED MAY 12, 2000 and THE MURPHY/MOORE FAMILY TRUST AMENDED AND RESTATED ON MARCH 5, 2003 and THE MURPHY/MOORE FAMILY TRUST, ESTABLISHED BY DECLARATION OF TRUST DATED MAY 12, 2000 AND AMENDED ON SEPTEMBER 8, 2000 and THE BARTHOLOMEW MURPHY LIVING TRUST, ESTABLISHED BY DECLARATION DATED MAY 12, 2000, AN UNDIVIDED 1/3 INTEREST; PATRICK HARTY; MURPHY SIBLINGS LP; MURPHY INVESTMENTS, INC; 1355 VALENCIA LLC; BALLINREE, LLC; BARTHOLOMEW MURPHY; DENIS J. MURPHY, individually and as A SINGLE MAN, AN UNDIVIDED 1/3 INTEREST; MICHAEL F. MURPHY, individually and as A MARRIED MAN AS HIS SOLE & SEPARATE PROPERTY, AN UNDIVIDED 1/3 INTEREST; BETTY M. WALSH, as trustee for the WALSH FAMILY TRUST DATED AUGUST 8, 1994; FIRST REPUBLIC BANK, A DIVISION OF MERRILL LYNCH BANK AND TRUST CO. FSB ISAOA; WASHINGTON MUTUAL BANK, FA; and JP MORGAN CHASE BANK, NA

Defendants.

All parties thru their undersigned counsel of record hereby stipulate as follows:

1. This interpleader action arises out of a property insurance claim for a fire at one of the many properties insured under Travelers Policy No. 1-680-332H071A-TCT-07. Travelers claims that it has performed an adjustment and determined the amount it believes is owed under the policy, which amount (\$3,156,840.50) has been deposited with the court and further claims that the defendants are all either Named Insureds or mortgagees on the policy and so have rights under the policy, potentially including but not limited to, some right to the policy proceeds for the fire loss.

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2. Counsel have been diligently attempting to negotiate an informal solution whereby the named insured defendants other than the insured party which actually holds title to the property, 1355 Valencia Street LLC ,effectively waive any right to the policy proceeds. Travelers has requested notarized signatures from all the defendants, a number of whom reside in Ireland. Defendants have objected to this request and asserted that the instructions which they have signed should be sufficient. Some progress has been made in this regard, and counsel are hopeful that all issues can be resolved by agreement, which would render this action, which defendants claim was premature, moot.

3. All defendants except FIRST REPUBLIC BANK, a division of Merrill Lynch and Trust Co. FSB ISAOA; WASHINGTON MUTUAL BANK, FA; and JP MORGAN CHASE BANK, NA, have been served by substituted service on their counsel.

4. A Case Management Conference is set for August 28, 2009.

5. Based on the foregoing, the parties stipulate to continue the Case Management Conference for 45 days, to allow them sufficient time to informally resolve the outstanding issues.

6. Travelers further stipulates that defendants have been granted an extension of time to respond in exchange for the agreement of their counsel to accept service and that defendants' responses to the complaint will be due upon 20 days' written notice from Travelers' counsel.

DATED: August 7, 2009

WIEGEL & FRIED, LLP

By:

  
\_\_\_\_\_  
ANDREW J. WIEGEL

Attorneys for Defendants  
MURPHY INVESTMENTS, Inc. sued herein as  
MURPHY INVESTMENTS dba MURPHY SAN  
FRANCISCO, LP; MURPHY SAN FRANCISCO,  
LP sued herein as MURPHY INVESTMENTS dba  
MURPHY SAN FRANCISCO, LP,  
BARTHOLOMEW MURPHY, individually and as  
Co-Trustee for THE MURPHY/MOORE FAMILY  
TRUST, which is incorrectly named several times as  
if it were several trusts: THE MURPHY/MOORE  
FAMILY TRUST ESTABLISHED BY  
DECLARATION OF TRUST DATED MAY 12,

CARLSON  
CALLADINE  
&  
PETERSON  
LLP  
353  
SACRAMENTO  
STREET,  
SUITE 1600  
San Francisco,  
CA 94111



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2000 and THE MURPHY/ MOORE FAMILY TRUST AMENDED AND RESTATED ON MARCH 5, 2003 and THE MURPHY/MOORE FAMILY TRUST, ESTABLISHED BY DECLARATION OF TRUST DATED MAY 12, 2000 AND AMENDED ON SEPTEMBER 8, 2000 and as trustee of THE BARTHOLOMEW MURPHY LIVING TRUST, sued herein as THE BARTHOLOMEW MURPHY LIVING TRUST, ESTABLISHED BY DECLARATION DATED MAY 12, 2000, AN UNDIVIDED 1/3 INTEREST; CATHERINE MURPHY, individually and as Co-Trustee for the DENIS T. & CATHERINE MURPHY FAMILY TRUST ESTABLISHED BY DECLARATION OF TRUST DATED MARCH 4, 1994 and the DENIS T. & CATHERINE MURPHY FAMILY TRUST-SURVIVOR'S TRUST; ; EILEEN W. MOORE, individually and as Co-Trustee for THE MURPHY/ MOORE FAMILY TRUST , which is incorrectly named several times as if it were several trusts: THE MURPHY/MOORE FAMILY TRUST ESTABLISHED BY DECLARATION OF TRUST DATED MAY 12, 2000 and THE MURPHY/ MOORE FAMILY TRUST AMENDED AND RESTATED ON MARCH 5, 2003 and THE MURPHY/MOORE FAMILY TRUST, ESTABLISHED BY DECLARATION OF TRUST DATED MAY 12, 2000 AND AMENDED ON SEPTEMBER 8, 2000; MURPHY SIBLINGS LP; and 1355 VALENCIA LLC

CARLSON  
CALLADINE  
&  
PETERSON  
LLP  
353  
SACRAMENTO  
STREET,  
SUITE 1600  
San Francisco,  
CA 94111

DATED: August \_\_\_\_, 2009

CARROLL BURDICK & MCDONOUGH LLP

By:

ELIZABETH A. ENGLAND

Attorneys for Defendants  
MARQUERITA MURPHY; DANIEL P. MURPHY;  
and JOAN M. MURPHY

DATED: August 7, 2009

WASSERMAN-STERN

By:

DAVID P. WASSERMAN

Attorneys for Defendants  
DENIS J. MURPHY, DENIS J. MURPHY, a Single Man, an Undivided 1/3 Interest; MICHAEL F. MURPHY; MICHAEL F. MURPHY, a Single Man, an Undivided 1/3 Interest

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CARLSON  
CALLADINE  
&  
PETERSON  
LLP  
351  
SERRANO ST  
STE 41  
SAN FRANCISCO,  
CA 94117

2000 and THE MURPHY/ MOORE FAMILY TRUST AMENDED AND RESTATED ON MARCH 5, 2003 and THE MURPHY/MOORE FAMILY TRUST, ESTABLISHED BY DECLARATION OF TRUST DATED MAY 12, 2000 AND AMENDED ON SEPTEMBER 8, 2000 and as trustee of THE BARTHOLOMEW MURPHY LIVING TRUST, sued herein as THE BARTHOLOMEW MURPHY LIVING TRUST, ESTABLISHED BY DECLARATION DATED MAY 12, 2000, AN UNDIVIDED 1/3 INTEREST; CATHERINE MURPHY, individually and as Co-Trustee for the DENIS T. & CATHERINE MURPHY FAMILY TRUST ESTABLISHED BY DECLARATION OF TRUST DATED MARCH 4, 1994 and the DENIS T. & CATHERINE MURPHY FAMILY TRUST-SURVIVOR'S TRUST; ; EILEEN W. MOORE, individually and as Co-Trustee for THE MURPHY/ MOORE FAMILY TRUST , which is incorrectly named several times as if it were several trusts: THE MURPHY/MOORE FAMILY TRUST ESTABLISHED BY DECLARATION OF TRUST DATED MAY 12, 2000 and THE MURPHY/ MOORE FAMILY TRUST AMENDED AND RESTATED ON MARCH 5, 2003 and THE MURPHY/MOORE FAMILY TRUST, ESTABLISHED BY DECLARATION OF TRUST DATED MAY 12, 2000 AND AMENDED ON SEPTEMBER 8, 2000; MURPHY SIBLINGS LP; and 1355 VALENCIA LLC

DATED: August 10, 2009

CARROLL BURDICK & MCDONOUGH LLP

By:

  
ELIZABETH A. ENGLAND

Attorneys for Defendants  
MARQUERITA MURPHY; DANIEL P. MURPHY;  
and JOAN M. MURPHY

DATED: August \_\_\_\_\_, 2009

WASSERMAN-STERN

By:

DAVID P. WASSERMAN

Attorneys for Defendants  
DENIS J. MURPHY, DENIS J. MURPHY, a Single Man, an Undivided 1/3 Interest; MICHAEL F. MURPHY; MICHAEL F. MURPHY, a Single Man, an Undivided 1/3 Interest

1 DATED: August 11, 2009

CARLSON, CALLADINE & PETERSON LLP

2 By:   
3 JOYCE C. WANG

4 Attorneys for Plaintiff  
5 THE TRAVELERS INDEMNITY COMPANY OF  
6 CONNECTICUT

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8  
9 **IT IS SO ORDERED:**

HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF CALIFORNIA

10 The case management conference is continued to October 16, 2009 at 1:30 p.m.

11  
12 DATED: August 12, 2009



CARLSON CALLADINE & PETERSON LLP  
353 SACRAMENTO STREET,  
SUITE 1600  
San Francisco, CA 94111