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5 Attorneys for Defendant
CENTURY INDEMNITY COMPANY
6 (as successor to CCI INSURANCE COMPANY,
as successor to INSURANCE COMPANY OF
7 NORTH AMERICA)

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 EMPLOYERS INSURANCE COMPANY OF
WAUSAU,

12 Plaintiff,

13 vs.

14 PEPSIAMERICAS, INC.; TRAVELERS
15 INDEMNITY COMPANY; CONTINENTAL
INSURANCE COMPANY; ARGONAUT
16 INSURANCE COMPANY; NORTHWESTERN
NATIONAL INSURANCE COMPANY OF
17 MILWAUKEE, WISCONSIN; NATIONAL
UNION FIRE INSURANCE COMPANY OF
18 PITTSBURGH, PA; CENTURY INDEMNITY
COMPANY; ALLSTATE INSURANCE
19 COMPANY; ONE BEACON INSURANCE
GROUP; and DOES 1 through 50, inclusive,
20

21 Defendants.

Case No.: 09 3419 CRB

**SECOND STIPULATION TO EXTEND
THE TIME FOR CENTURY
INDEMNITY COMPANY AND ONE
BEACON AMERICA INSURANCE
GROUP TO RESPOND TO THE
COMPLAINT FOR DECLARATORY
RELIEF OF PLAINTIFF EMPLOYERS
INSURANCE COMPANY OF WAUSAU**

22
23 Century Indemnity Company, as successor to CCI Insurance Company, as successor to
24 Insurance Company of North America, ("Century") along with OneBeacon America Insurance
25 Group, formerly known as Commercial Union Insurance Company, individually and as
26 successor-in-interest to Employers Commercial Union Company, including Employers Liability
27 Assurance Corporation ("OneBeacon") and plaintiff Employers Insurance Company of Wausau
28 ("Wausau") aver as follows:

1 WHEREAS, plaintiff Wausau filed its complaint for Declaratory Relief and Damages for
2 Unjust Enrichment/Reimbursement of Defense Costs on June 29, 2009; and

3 WHEREAS, Wausau served its complaint upon Century Indemnity Company on July 16,
4 2009 and upon One Beacon on July 13, 2009; and defendant PepsiAmericas, Inc. filed a Notice
5 of Removal of Action on or about July 24, 2009, which had the effect of advancing the dates that
6 the responses of Century and OneBeacon to the complaint of Wausau were otherwise due to be
7 filed.

8 WHEREAS, on August 5, 2009, Wausau, Century and OneBeacon stipulated that
9 Century and OneBeacon may have until August 28, 2009 to respond to Wausau's complaint. As
10 for the status of other such responses, Wausau and co-defendant PepsiAmericas stipulated that
11 PepsiAmericas may have until September 8, 2009 to respond;

12 WHEREAS, Century and OneBeacon intend to file answers, counter and cross claims
13 for relief against other insurers, including Wausau, many of which require a waiver of conflicts
14 arising from the relationships among insurers and counsel. The parties are aware that it will
15 require additional time for the principals of these insurers to grant the waivers needed to file the
16 compulsory and permissive claims at the time that responses are filed;

17 WHEREFORE, the below signed hereby stipulate and agree that Century and OneBeacon
18 may each have until and including September 18, 2009 to respond to plaintiff Wausau's
19 complaint.
20

21 DATED:

BARBER LAW GROUP

22 8/19/09

23 By 

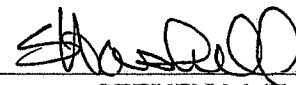
BRYAN M. BARBER

24 Attorneys for Plaintiff,
25 EMPLOYERS INSURANCE COMPANY
OF WAUSAU

26 DATED: 8/26/09

27 BERMAN & AIWASIAN

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By 
STEVEN M. HASKELL
Attorneys for Defendant,
CENTURY INDEMNITY COMPANY
(as successor to CCI INSURANCE COMPANY,
as successor to INSURANCE COMPANY OF
NORTH AMERICA)

DATED: SELMAN BREITMAN, LLP

By _____
JAN L. POCATERRA
Attorneys for Defendant,
ONEBEACON AMERICA INSURANCE GROUP

IT IS SO ORDERED:

Signed: August 28, 2009

