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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 STEADFAST INSURANCE COMPANY)	Case No.: CV09-04098 SC
11)	
11 Plaintiff,)	STIPULATION TO EXTEND THE
12 vs.)	DEADLINE TO COMPLETE EARLY
12)	NEUTRAL EVALUATION AND ORDER
13 PROBUILDERS SPECIAL INSURANCE)	THEREON
13 COMPANY RRG, ET AL.)	
14)	
14 Defendants.)	
15)	

16 The remaining parties to this case (Plaintiff Steadfast Insurance Company and Defendant
17 American Safety Indemnity Company) stipulate and agree as follows:

18 WHEREAS, this matter is an insurance dispute between insurers involving settled and
 19 resolved underlying construction defect matters in which Defendant disclaimed coverage;
 20 WHEREAS, the parties agreed to participate in a mediation conducted in connection with an
 21 Early Neutral Evaluation ("ENE");
 22 WHEREAS, the Court selected Wayne Lamprey as the mediator;
 23 WHEREAS, the Court set a deadline of March 2, 2010 to complete the mediation;
 24 WHEREAS, a key issue in dispute is the interpretation of one or more provisions included
 25 in the policies defendant issued;
 26 WHEREAS, defendant is involved in an unrelated separate matter pending in the United
 27 States District Court, Eastern District of California styled PMA Capital Ins. Co. v. American safety
 28 Indemnity Co., Eastern District Case No. 2:08-cv-02258 JAM DAD ("PMA matter") in which the

1 same policy language is in dispute in connection with another construction defect matter;

2 WHEREAS, the parties in the PMA matter recently filed Cross-Motions for summary
3 judgment seeking a ruling regarding the interpretation of the subject policy language;

4 WHEREAS, a hearing date for this motion is set for March 3, 2010;

5 WHEREAS, it is believed that the Court in PMA will issue a rule at or shortly after this
6 hearing date;

7 WHEREAS, the parties believe the outcome of the motion filed in the PMA matter will be
8 helpful in any resolution of this case;

9 WHEREAS, the parties participated in a conference call with Wayne Lamprey on February
10 17, 2010 to discuss the scheduling of a mediation in this matter;

11 WHEREAS, although the parties scheduled a mediation for March 2, 2010, it was agreed by
12 all counsel (including Attorney Lamprey) that it was reasonable to seek an extension of this
13 mediation based, in part, on the potential benefit of a ruling in the PMA matter;

14 WHEREAS, this Court has not yet issued a Scheduling Order regarding any dates in this
15 case given that the parties recently completed law and motion proceedings as to plaintiff's motion to
16 remand;

17 WHEREFORE, the parties request that the deadline for completing the mediation pursuant
18 to the ENE be extend up to forty-five (45) days.

19 IT IS SO AGREED

20 Dated: February 18, 2010

MORALES FIERRO & REEVES

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By: /s/ William C. Reeves
William C. Reeves
Attorneys for Plaintiff

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1 Dated: February 18, 2010

BLAU AND ASSOCIATES

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By: /s/ David S. Blau
David S. Blau
Attorneys for Defendant
American safety Indemnity Co.

The Court, the Honorable Samuel Conti presiding, having considered the stipulation of the parties and good cause appearing, orders as follows:

The last date to complete the mediation pursuant to the ENE is extended to
April 16, 2010.

IT IS SO ORDERED

Dated: 2/19/10

