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 6 Browman Family Vineyards, Inc.

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA
 9 SAN FRANCISCO DIVISION

11 GOLDEN EAGLE INSURANCE
 12 CORPORATION,
 13 Plaintiff,
 14 v.
 15 BROWMAN FAMILY VINEYARDS,
 INC. and DOES 1 through 25,
 16 Defendants.

CASE NO.: CV 09 4984 JSW

STIPULATION AND
 (~~PROPOSED~~) ORDER

17
 18 Plaintiff Golden Eagle Insurance Corporation ("Golden Eagle") and defendant Browman Family
 19 Vineyards, Inc. ("Browman") hereby stipulate to a continuation of the pending stay of this action
 20 pursuant to the terms stated below, and hereby respectfully request that the Court adopt their
 21 stipulation and issue an order thereon.

22 A. This case is a declaratory relief action filed by Golden Eagle seeking a
 23 determination that Golden Eagle has no duty to defend or indemnify its insured, Browman, in
 24 relation to an action and cross-action filed by Cavit Cantina Viticoltori Consorzio Cantine Sociali
 25 Del Trentino Societa' Cooperativa against Browman Family Vineyards, Inc. in the following
 26 related underlying actions pending before this Court: (1) Cavit Cantina Viticoltori Consorzio
 27 Cantine Sociali Del Trentino Societa' Cooperativa v. Browman Family Vineyards, Inc. (United
 28 District Court Case No. C 09-02470 MEJ); and (2) Browman Family Vineyards, Inc. v. Cavit

1 Cantina Viticoltori Consorzio Cantine Sociali Del Trentino Societa' Cooperativa (United
2 District Court Case No. C 09-01070 JSW).

3 B. Golden Eagle and Browman previously entered into a Stipulation And (Proposed)
4 Order which the Court approved and signed on December 18, 2009. That Stipulation And Order
5 provides for a stay of this declaratory relief action from December 10, 2009 until February 10,
6 2010.

7 C. Golden Eagle and Browman have continued to meet and confer regarding the
8 continued prosecution of this declaratory relief action at this time in light of matters pending in
9 the above-noted underlying actions, including the parties' further settlement discussions in the
10 underlying actions which may lead to a resolution of those actions.

11 D. Golden Eagle and Browman believe that this declaratory relief action may become
12 unnecessary and that the action may ultimately be voluntarily dismissed if the parties in the
13 underlying actions are able to resolve the underlying actions pursuant to their current and
14 ongoing settlement discussions.

15 E. Based on Golden Eagle's and Browman's continued meet and confer process, and
16 taking into consideration the status of the parties' further settlement discussions in the underlying
17 actions, Golden Eagle and Browman believe that a continued temporary stay of this declaratory
18 relief action is warranted and therefore agree to a continuation of the current temporary stay of
19 this declaratory relief action pursuant to the terms set forth below.

20 THEREFORE, Golden Eagle and Browman hereby stipulate, and respectfully request that
21 the Court issue an Order thereon, as follows:

22 1. **Stay:** This declaratory relief action shall continued to be stayed from February 10, 2010
23 until March 26, 2010 in all respects, including but not limited to discovery, pleadings and
24 motions; and

25 2. **Responsive pleading:** Browman's responsive pleading to this declaratory relief action
26 shall be filed and served on April 2, 2010, unless the time for such response is hereafter extended
27 by written agreement of Golden Eagle and Browman.

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Dated: January 29 2010

Respectfully submitted,
HIGGS, FLETCHER & MACK

By: Terrell A. Quealy
Terrell A. Quealy, Esq.
Attorneys for Plaintiff, Golden Eagle Insurance
Company

Dated: January 29 2010

KING, KING & FISHLEDER

By: [Signature]
Marc G. Fishleder, Esq.
Attorneys for Defendant, Browman
Family Vineyards

ORDER

The Court has reviewed the foregoing Stipulation and [Proposed] Order, and good cause appearing therefore, **IT IS SO ORDERED.**

Dated: February 4, 2010

Jeffrey S. White
United States District Judge, Honorable Jeffrey S. White