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24 Attorneys for Plaintiff Michael Taylor Designs, Inc.

25 UNITED STATES DISTRICT COURT  
 26 FOR THE NORTHERN DISTRICT OF CALIFORNIA

27 MICHAEL TAYLOR DESIGNS, INC., a  
 28 California corporation,  
 Plaintiff,

v.

TRAVELERS PROPERTY CASUALTY  
 COMPANY OF AMERICA, a Connecticut  
 corporation,  
 Defendant.

CASE NO. C10-02432-RS

**STIPULATED REQUEST FOR AN  
 ORDER SETTING BRIEFING AND  
 HEARING SCHEDULES FOR CROSS-  
 MOTIONS FOR PARTIAL SUMMARY  
 JUDGMENT**

Former Hearing Date: August 5, 2010  
 New Hearing Date: September 9, 2010  
 Time: 1:30 p.m.  
 Judge: Hon. Richard Seeborg  
 Court: Courtroom 3, 17th Floor

PLEASE TAKE NOTICE THAT counsel for defendant Travelers Property Casualty  
 Company of America (“Travelers”) and plaintiff Michael Taylor Designs, Inc. (“MTD”) agree and

1 stipulate as follows:

2 1. WHEREAS, MTD filed this action on June 2, 2010,

3 2. WHEREAS, on June 9, 2010, this matter was reassigned to Hon. Richard Seeborg  
4 for all further proceedings, and is set for an initial case management conference on October 7,  
5 2010,

6 3. WHEREAS, on June 14, 2010, MTD filed its motion for partial summary judgment  
7 and set it for hearing on August 5, 2010,

8 4. WHEREAS, Travelers filed its answer to MTD's complaint on June 30, 2010,

9 5. WHEREAS, Travelers has not filed its opposition to MTD's motion, but has advised  
10 MTD that Travelers will file an opposition to MTD's motion for partial summary judgment, and,  
11 concurrently, a cross-motion for partial summary judgment, that will address the same issues raised  
12 in MTD's motion, i.e., whether or not Travelers breached any duty to defend MTD in certain  
13 underlying litigation,

14 6. WHEREAS, the parties agree that the cross-motions should be considered together  
15 by the Court after a single hearing, and

16 7. WHEREAS, the parties have agreed on a briefing and hearing schedule that would  
17 provide for a hearing date of Thursday, September 9, 2010 for MTD's motion and Travelers' cross-  
18 motion,

19 NOW, THEREFORE, THE PARTIES STIPULATE, AND REQUEST THE COURT TO  
20 ORDER, AS FOLLOWS:

21 1. The August 5, 2010 hearing date for MTD's motion shall be vacated,

22 2. The hearing date for the parties' motion and cross-motion for partial summary  
23 judgment shall be Thursday, September 9, 2010,

24 3. Travelers shall file its combined opposition to MTD's motion/Travelers' cross-  
25 motion on Thursday, August 5, 2010 (35 days before the hearing date),

26 4. MTD shall file its opposition to Travelers' motion/MTD's reply in support of  
27 MTD's motion on Thursday, August 19, 2010 (21 days before the hearing date), and

28 ///

1 5. Travelers shall file its reply in support of its cross-motion on Thursday, August 26  
2 (14 days before the hearing date).

3 IT IS SO STIPULATED

4  
5 DATED: July 14, 2010

SEDGWICK, DETERT, MORAN & ARNOLD LLP

6  
7 By:           /s/ Matthew C. Lovell          

8 Bruce D. Celebrezze  
9 Matthew C. Lovell  
Attorneys for Defendant Travelers Property  
Casualty Company of America

10 DATED: July 14, 2010

GAUNTLETT & ASSOCIATES

11  
12 By:           /s/ James A. Lowe          

13 David A. Gauntlett  
14 James A. Lowe  
15 Andrew M. Sussman  
16 Attorneys for Plaintiff Michael Taylor Designs, Inc.

17 **ATTESTATION OF FILING**

18 Pursuant to General Order 45.X.B, I attest that I have obtained concurrence in the filing of  
19 this document from the parties listed above.

20           /s/ Matthew C. Lovell          

21 Matthew C. Lovell

22  
23 **IT IS SO ORDERED:**

24 

25 **RICHARD SEEBORG**  
26 **UNITED STATES DISTRICT JUDGE**

27 DATED:       7/14/10