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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 TO VACATE INITIAL CASE
 MANAGEMENT CONFERENCE**

Conference Date: October 7, 2010
 Time: 10:00 a.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, and request that the Court enter an order approving said stipulation, which
2 would vacate the case management conference currently set for October 7, 2010.

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

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

6 3. WHEREAS, MTD and Travelers each filed motions for summary judgment
7 regarding the issue of whether or not Travelers owed a duty to defend MTD in conjunction with
8 certain underlying litigation;

9 4. WHEREAS, the Court heard argument on the parties' cross-motions on September
10 9, 2010, and took the motions under submission;

11 5. WHEREAS, the parties agree that if the Court grants Travelers' motion and denies
12 MTD's motion, the case will terminate and a Case Management Conference and all related party
13 conferences will not be necessary;

14 6. WHEREAS, the parties also believe that a meaningful Case Management
15 Conference cannot occur until the scope of the issues remaining to be decided thereafter, if any, is
16 ascertained;

17 7. WHEREAS, in the interest of saving time, money, and the Court's resources, the
18 parties request that the October 7, 2010 case management conference and all related deadlines be
19 vacated, and, to the extent necessary, any such deadlines be re-set in conjunction with a new case
20 management conference to be set by the Court following the issuance of the ruling on the duty to
21 defend issue;

22 NOW, THEREFORE, THE PARTIES STIPULATE, AND REQUEST THE COURT TO
23 ORDER, AS FOLLOWS:

24 1. The October 7, 2010 case management conference is vacated, and

25 2. All ancillary deadlines associated with the October 7, 2010 case management
26 conference (including but not limited to any obligations under Federal Rule of Civil Procedure 26)
27 be vacated pending further order of the Court after it has ruled on the pending motions.

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IT IS SO STIPULATED

DATED: September 28, 2010

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: /s/ Matthew C. Lovell
Bruce D. Celebrezze
Matthew C. Lovell
Attorneys for defendant Travelers Property
Casualty Company of America

DATED: September 28, 2010

GAUNTLETT & ASSOCIATES

By: /s/ Andrew M. Sussman
David A. Gauntlett
James A. Lowe
Andrew M. Sussman
Attorneys for plaintiff Michael Taylor Designs, Inc.

ATTESTATION OF FILING

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

 /s/ Matthew C. Lovell
Matthew C. Lovell

ORDER

Pursuant to the Stipulation set forth above, and good cause appearing, **IT IS SO ORDERED.** The Case Management Conference previously set for October 7, 2010 at 10:00 a.m. in this department, and all related ancillary deadlines, are vacated. A new Case Management Conference date and related deadlines may be ordered as necessary after the Court has ruled on MTD's and Travelers' pending summary judgment motions.



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

DATED: 9/28/10