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19 Attorneys for Defendants

20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA

22 COLONY INSURANCE COMPANY,  
 23 a Virginia corporation,

24 Plaintiff,

25 v.

26 TRICIA LYNNE ROTH and KAY  
 27 HUH,

28 Defendants.

Case No.: CV 11-01136 SC

STIPULATION TO STAY ACTION  
& [PROPOSED] ORDER

Date: August 26, 2011

Time: 10:00 a.m.

Courtroom: 1



1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 The parties hereby stipulate to stay this action, as it was filed without  
3 knowledge of a parallel state court action which seeks to resolve the same issues.  
4 (*Roth v. Colony Specialty Ins. Co., et. al.*, Case No. CIV 503781, San Mateo  
5 County Superior Court, assigned to Department 21, the Hon. Robert Foiles  
6 presiding.) Should for any reason the state court action fail to resolve finally the  
7 issues involved in this action, Colony reserves the right to seek a legal  
8 determination by this court of those issues. Likewise, Roth reserves the right to  
9 pursue a dismissal should this action resume before the state court action is fully  
10 resolved.

11 The parties respectfully request that the court grant the stipulation to stay  
12 this action and remove from the court's calendar the Case Management Conference  
13 and Motion to Dismiss or Stay the Action, both set for hearing on August 26, 2011,  
14 as this stipulation renders those hearings unnecessary.

15 IT IS HEREBY STIPULATED.

16 Dated: July 15, 2011

SHERNOFF BIDART ECHEVERRIA LLP

17 By 

18 MICHAEL J. BIDART  
19 RICARDO ECHEVERRIA  
20 HOWARD S. SHERNOFF

21 Attorneys for Defendants, Tricia Lynne  
22 Roth and Kay Huh

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Dated: July 15, 2011

NIELSEN HALEY & ABBOTT, LLP

By   
STEVE CUSICK

Attorneys for Plaintiff, Colony Insurance  
Company

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Case No.: CV 11-01136 SC

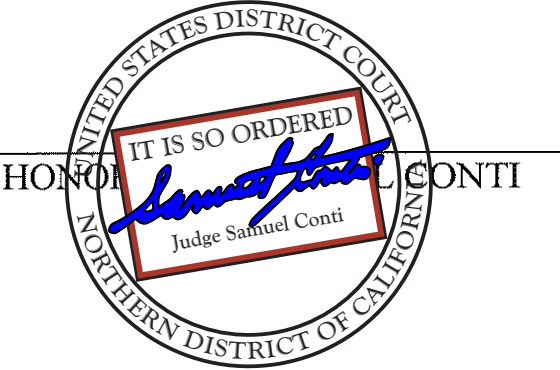
~~[PROPOSED]~~ ORDER TO STAY  
ACTION

Date: August 26, 2011  
Time: 10:00 a.m.  
Courtroom: 1

1 Pursuant to the Stipulation to Stay this matter, the Court grants the  
2 stipulation to stay this action and hereby removes from the court's calendar the  
3 Case Management Conference and Motion to Dismiss or Stay the Action, both set  
4 for hearing on August 26, 2011 at 10:00 a.m. in Courtroom 1 of the above-  
5 referenced court.

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