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 Counter-Defendant LIBERTY MUTUAL
 INSURANCE COMPANY

8 Attorneys for Defendant and
 Counter-Claimant THE CALIFORNIA
 9 AUTOMOBILE ASSIGNED RISK PLAN

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 LIBERTY MUTUAL INSURANCE
 COMPANY, a Massachusetts
 14 Corporation,

15 Plaintiff,

16 vs.

17 THE CALIFORNIA AUTOMOBILE
 ASSIGNED RISK PLAN, a program
 18 established under California Insurance
 Code section 11620 et seq., and DOES 1
 19 through 20, inclusive,

20 Defendants.

21 THE CALIFORNIA AUTOMOBILE
 22 ASSIGNED RISK PLAN,

23 Counter-Claimant,

24 vs.

25 LIBERTY MUTUAL INSURANCE
 COMPANY, a Massachusetts Corporation,

26 Counter-Defendant
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Case No. C-11-1419 MMC

**STIPULATION AND ~~[PROPOSED]~~
 ORDER TO DEFER DEADLINES TO
 IMPLEMENT SETTLEMENT IN
 PRINCIPLE**

Judge: Hon. Maxine M. Chesney
 Dept: Courtroom 7, 19th Floor

Complaint filed: March 24, 2011

1 Pursuant to Civil L.R. 6-2, Plaintiff/Counter-Defendant Liberty Mutual Insurance
2 Company (“Liberty Mutual”) and Defendant/Counter-Claimant The California Automobile
3 Assigned Risk Plan (“CAARP”) respectfully submit this Stipulation And Proposed Order To
4 Defer Deadlines To Implement Settlement in Principle.

5 WHEREAS, Liberty Mutual filed its Complaint on March 24, 2011 (Docket No. 1);
6 CAARP filed its answer and counterclaims on May 20, 2011 (Docket No. 11); and Liberty
7 Mutual filed its answer to CAARP's counterclaims on June 10, 2011 (Docket No. 13);

8 WHEREAS, Liberty Mutual and CAARP have reached a settlement in principle, subject
9 to approval of the CAARP Advisory Committee (which is anticipated, as a subcommittee of the
10 CAARP Advisory Committee has approved the settlement in principle) and the completion of a
11 mutually acceptable formal settlement agreement;

12 WHEREAS, to conserve the Court’s and the parties’ resources, Liberty Mutual and
13 CAARP wish to vacate all currently scheduled hearings, conferences and deadlines except for the
14 trial date to allow time for CAARP to obtain its Advisory Committee’s approval for the
15 settlement and for the parties to prepare and execute a final settlement agreement;

16 WHEREAS, CAARP expects that it can convene an Advisory Committee meeting for a
17 formal vote on the terms of the settlement within several days to one week;

18 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the undersigned as
19 follows:

- 20 1. All currently scheduled court hearings and conferences, as well as any outstanding
21 associated exchange or filing deadlines, shall be vacated, including the:
 - 22 a. October 25, 2012 hearing before Hon. Jacqueline Scott Corley on
23 CAARP’s Motion to Compel Production of Documents and Deposition
24 Testimony [Dk. No. 68];
 - 25 b. November 16, 2012 hearings before Hon. Maxine M. Chesney on
26 CAARP’s Motion to Exclude Proposed Expert Ralph Lombardi [Dk. No.
27 101], CAARP’s Motion to Exclude Proposed Expert Paul Hamilton [Dk.
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No. 103], CAARP's Motion for Partial Summary Judgment [Dk. No. 105],
Liberty Mutual's Motion for Summary Judgment [Dk. No. 87], and
Liberty Mutual's Motion to Exclude Expert Testimonies of Irizarry and
Cotkin [Dk. No. 107];

c. November 16, 2012 case management conference before Hon. Maxine M.
Chesney;

d. December 11, 2012 pre-trial conference before Hon. Maxine M. Chesney;
and

e. All deadlines associated with each of the hearings and conferences set forth
above;

2. The trial date of February 4, 2013 shall remain in place pending approval by the
CAARP Advisory Committee of the settlement in principle and the execution by
CAARP and Liberty Mutual of a mutually acceptable formal settlement
agreement;

3. Should a settlement agreement not be formally approved or fully executed for
whatever reason, CAARP and Liberty Mutual shall immediately meet and confer
to agree upon a new schedule for the events described above in Paragraph No. 1
and propose such schedule to the Court. Any new schedule, if necessary, will be

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implemented within such time limits as to preserve the trial date of February 4, 2013.

Dated: October 23, 2012

FARELLA BRAUN + MARTEL LLP

By: /s/ Tyler C. Gerking
Tyler C. Gerking

Attorneys for Defendant
THE CALIFORNIA AUTOMOBILE
ASSIGNED RISK PLAN

Dated: October 23, 2012

SKADDEN, ARPS, SLATE, MEAGHER &
FLOM, LLP

By: /s/ James R. Carroll
James R. Carroll

Attorneys for Plaintiff
LIBERTY MUTUAL INSURANCE
COMPANY

ATTESTATION PURSUANT TO CIVIL L.R. 5-1

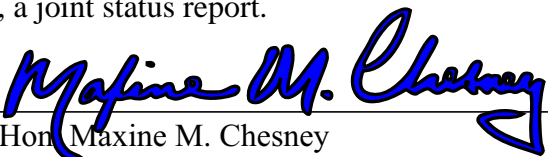
I, Tyler C. Gerking, am the ECF User whose ID and password are being used to file this Stipulation And Proposed Order. In compliance with Civil L.R. 5-1, I hereby attest that the concurrence in the filing of this document has been obtained from each of the signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 23th day of October 2012, at San Francisco, California.

/s/ Tyler C. Gerking
Tyler C. Gerking

PURSUANT TO STIPULATION, IT IS SO ORDERED. Further, the parties shall file, no later than November 16, 2012, a joint status report.

Dated: October 23, 2012


Hon. Maxine M. Chesney