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 10 GENERAL STAR INDEMNITY COMPANY

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13 GENERAL STAR INDEMNITY COMPANY,  
 14 Plaintiff,  
 15 v.  
 16 STEVEN D. BROOKS, Individually and as  
 17 Trustee of The BROOKS 2006  
 18 CHARITABLE REMAINDER UNITRUST  
 19 Dated 3/14/2006; CATHERINE S. BOOKS,  
 20 as Trustee of The BROOKS 2006  
 21 CHARITABLE REMAINDER UNITRUST  
 22 Dated 3/14/2006; BROOKS 2006  
 23 CHARITABLE REMAINDER UNITRUST  
 24 Dated 3/14/2006; and DOES 1 THROUGH  
 25 25, inclusive,  
 26 Defendants.

CASE NO. C11-01565 SI

27 **STIPULATION TO STAY ACTION  
 28 AND ORDER STAYING ACTION**

Action Filed: February 15, 2011

DISCOVERY CUTOFF: None Set  
 MOTION CUTOFF: None Set  
 TRIAL DATE: None Set

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On February 15, 2011, Plaintiff General Star Indemnity Company ("General Star") filed a Complaint for Subrogation, Indemnity, and Contribution against Steven D. Brooks, individually and as Trustee of the Brooks 2006 Charitable Remainder Unitrust dated 3/14/2006, Catherine S. Brooks, as Trustee of the Brooks 2006 Charitable Remainder Unitrust dated 3/14/2006, and Brooks 2006 Charitable Remainder Unitrust dated 3/14/2006 (collectively "Brooks") in the San Francisco County Superior Court, Case Number CGC-11-508261.

On March 31, 2011, Brooks filed a Notice of Removal to the United States District

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1 Court for the Northern District of California, Case Number C11-01565 JCS.

2 In its Complaint, General Star seeks amounts paid by General Star to defend and  
3 indemnify its insured, Jay Morton ("Morton") in an action pending before the San  
4 Francisco County Superior Court, Case Number 468359 (the "Underlying Action"). The  
5 Underlying Action has proceeded to trial in the San Francisco County Superior Court and  
6 has resulted in a verdict. No judgment has as yet been entered in the Underlying Action.

7 As Morton's subrogee, General Star "stands in the shoes" of Morton with respect to  
8 its rights to recover defense and indemnity payments made on Morton's behalf in the  
9 Underlying Action. General Star's rights cannot be determined until final judgment is  
10 rendered in the Underlying Action.

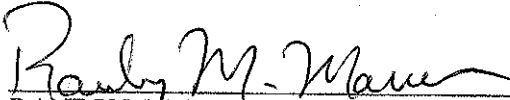
11 WHEREFOR, General Star and Brooks, by and through their attorneys, stipulate as  
12 follows:

- 13 1. That this action be stayed by and between General Star and Brooks until  
14 final judgment, including appeals, is entered in the Underlying Action;
- 15 2. That all discovery in this action shall be stayed until the stay in this action  
16 is lifted by stipulation or court order;
- 17 3. This stipulation may be signed in counterparts and a facsimile signature  
18 may be filed with the Court.

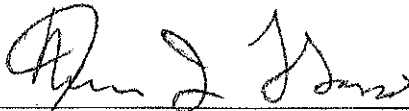
19 IT IS SO STIPULATED.

20 DATED: May 24, 2011

SINNOTT, PUEBLA,  
CAMPAGNE & CURET, APLC

21  
22  
23 By:   
24 RANDY M. MARMOR  
25 Attorneys for Plaintiff GENERAL STAR  
26 INDEMNITY COMPANY  
27  
28

1 DATED: May 24, 2011


2  
3 By:   
4 THOMAS J. LOSAVIO  
5 Attorneys for Defendants Steven D. Brooks,  
6 individually and as Trustee of the Brooks  
7 2006 Charitable Remainder Unitrust dated  
8 3/14/2006; Catherine S. Brooks, as Trustee of  
9 the Brooks 2006 Charitable Remainder  
10 Unitrust dated 3/14/2006; and Brooks 2006  
11 Charitable Remainder Unitrust dated  
12 3/14/2006

10 **ORDER**

11 For good cause appearing, the Court accepts the parties' stipulation set forth above  
12 and makes the following orders:

- 13 1. This action, including all discovery, is hereby stayed until final judgment,  
14 including appeals, is entered in the Underlying Action;
- 15 2. General Start shall advise the Court when final judgment, including  
16 appeals, is entered in the Underlying Action; and
- 17 3. Following receipt of notice that final judgment, including appeals, has  
18 been entered in the Underlying Action, the Court shall schedule an initial  
19 Case Management Conference.

20 DATED: May 26, 2011

21  
22 By:   
23 Judge of the United States District Court for the  
24 Northern District of California

25 GENSTAR\Morton\Pleadings\Stipulation and Order revised.doc

26 The Court will statistically close this case. Counsel may simply contact the  
27 Court to have the case reopened at any point in the future.