

1 Robert A. Sacks (SBN 150146)
 (sacksr@sullcrom.com)
 2 SULLIVAN & CROMWELL LLP
 1888 Century Park East
 3 Los Angeles, California 90067
 Telephone: (310) 712-6600
 4 Facsimile: (310) 712-8800

5 Sverker K. Högberg (SBN 244640)
 (hogbergs@sullcrom.com)
 6 SULLIVAN & CROMWELL LLP
 1870 Embarcadero Road
 7 Palo Alto, California 94303
 Telephone: (650) 461-5600
 8 Facsimile: (650) 461-5700

9 Attorneys for Defendants
 10 *PAYLESS SHOESOURCE, INC, and*
 11 *COLLECTIVE BRANDS, INC.*

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN FRANCISCO DIVISION**

15 NATIONAL UNION FIRE INSURANCE)
 COMPANY OF PITTSBURGH, PA.,)

16 Plaintiff,)

17 vs.)

18 PAYLESS SHOESOURCE, INC. and)
 19 COLLECTIVE BRANDS, INC.,)

20 Defendants.)
 21)
 22)
 23)
 24)
 25)
 26)
 27)
 28)

Case No. CV 11-01892-EMC

**JOINT STIPULATION AND [PROPOSED]
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE**

Judge: Honorable Edward M. Chen

1 Pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12 for the Northern District of
2 California, Defendants Payless ShoeSource, Inc. and Collective Brands, Inc. and Plaintiff National
3 Union Fire Insurance Company of Pittsburgh, PA (collectively with the Defendants, the “Parties”), by
4 and through their respective counsel, submit this Joint Stipulation and [Proposed] Order Continuing
5 Case Management Conference (the “Stipulation”).

6 WHEREAS, on July 28, 2011, the Court entered an order scheduling a Case Management
7 Conference (“CMC”) for October 7, 2011 and requiring the Parties to file a joint case management
8 statement by September 30, 2011 (Dkt. No. 20);

9 WHEREAS, on September 22, 2011, the Court entered an order referring this matter to
10 private Alternative Dispute Resolution (“ADR”) (Dkt. No. 24);

11 WHEREAS, on October 3, 2011, the Court entered the Parties’ Joint Stipulation and
12 [Proposed] Order Continuing Case Management Conference, which reset the CMC to February 2, 2012
13 to allow the Parties sufficient time to conduct private ADR (Dkt. No. 28);

14 WHEREAS, the Parties agreed to a private mediator and scheduled a mediation to take
15 place on March 6, 2012;

16 WHEREAS, on January 13, 2012, the Court entered the Parties’ Joint Stipulation and
17 [Proposed] Order Continuing Case Management Conference, which reset the CMC to April 6, 2012 to
18 allow the parties to conduct the mediation;

19 WHEREAS, due to a conflict of interest of one of the attorneys for Defendant National
20 Union Fire Insurance Company of Pittsburgh, PA, and because a replacement attorney was not available
21 in time for the March 6 mediation, the mediation was postponed;

22 WHEREAS, the Parties have agreed to reschedule the mediation for May 23, 2012; and

23 WHEREAS, in order to avoid incurring unnecessary costs and expending the Court’s
24 time unnecessarily, the Parties wish to continue the CMC and related deadline to file a joint case
25 management statement until after the conclusion of the scheduled mediation, in the event it does not
26 result in the resolution of this dispute.

27 NOW, THEREFORE, THE PARTIES JOINTLY STIPULATE TO, AND REQUEST
28 THE COURT TO ORDER, THE FOLLOWING:

- 1 1. The CMC shall be continued until 30 days after conclusion of the May 23, 2012
- 2 private mediation to which the Court has referred this matter;
- 3 2. The currently-scheduled deadline to file a joint case management statement by
- 4 March 30, 2012 shall be vacated and rescheduled; and
- 5 3. By entering into this Stipulation, the Parties do not waive, and expressly preserve,
- 6 any and all rights, claims and defenses, including all defenses relating to
- 7 jurisdiction, venue and arbitrability.

8
9 Respectfully submitted,

10
11 Dated: March 13, 2012

12 /s/ Bruce D. Celebrezze
13 Bruce D. Celebrezze (SBN 102181)
14 (bruce.celebrezze@sedgwicklaw.com)
15 SEDGWICK LLP
16 333 Bush Street, 30th Floor
17 San Francisco, California 94104
18 Telephone: (415) 781-7900
19 Facsimile: (415) 781-2635

20 *Attorneys for Plaintiff,*
21 *National Union Fire Insurance*
22 *Company of Pittsburgh, PA.*

23 Dated: March 13, 2012

24 /s/ Robert A. Sacks
25 Robert A. Sacks (SBN 150146)
26 (sacksr@sullcrom.com)
27 SULLIVAN & CROMWELL LLP
28 1888 Century Park East
 Los Angeles, California 90067
 Telephone: (310) 712-6600
 Facsimile: (310) 712-8800

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 SULLIVAN & CROMWELL LLP
 1870 Embarcadero Road
 Palo Alto, California 94303
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Attorneys for Defendants,
 Payless ShoeSource, Inc. and
 Collective Brands, Inc.

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PURSUANT TO STIPULATION, IT IS SO ORDERED. The 4/6/12 CMC
is reset to 6/29/12 at 9:00 a.m. A joint CMC Statement shall be filed by 6/22/12.

Dated: 3/14/12

THE HONORABLE EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE



