

United States District Court  
Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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|---------------------------------|---|----------------------------|
| TRAVELERS PROPERTY CASUALTY     | ) | Case No. 11-3638-SC        |
| COMPANY OF AMERICA, et al.,     | ) |                            |
|                                 | ) | BRIEFING ORDER RE: MOTIONS |
| Plaintiffs,                     | ) | FOR PARTIAL SUMMARY        |
|                                 | ) | <u>JUDGMENT</u>            |
| v.                              | ) |                            |
|                                 | ) |                            |
| CENTEX HOMES, a Nevada          | ) |                            |
| partnership; and DOES 1 through | ) |                            |
| 10 inclusive,                   | ) |                            |
|                                 | ) |                            |
|                                 | ) |                            |
|                                 | ) |                            |
|                                 | ) |                            |
| CENTEX HOMES,                   | ) |                            |
|                                 | ) |                            |
| Counterclaimant,                | ) |                            |
|                                 | ) |                            |
| v.                              | ) |                            |
|                                 | ) |                            |
|                                 | ) |                            |
| TRAVELERS PROPERTY CASUALTY     | ) |                            |
| COMPANY OF AMERICA, et al.,     | ) |                            |
|                                 | ) |                            |
| Counterdefendant.               | ) |                            |
|                                 | ) |                            |
|                                 | ) |                            |

1           The parties in the above-captioned matter recently filed seven  
2 motions for partial summary judgment, all set for hearing on  
3 January 11, 2013. ECF Nos. 85, 90, 95, 97, 99, 102, 107. As  
4 briefed, these motions raise 38 separate, noticed issues and have  
5 the potential to generate 21 separate briefs, totaling 525 pages,  
6 much of which will likely be duplicative. See id. To simplify the  
7 resolution of this dispute, the Court ORDERS the parties to re-  
8 brief the issues raised in their motions for summary judgment in  
9 accordance with the following consolidated briefing schedule:

- 10       • On or before January 11, 2013, Plaintiffs shall file a single,  
11       consolidated motion for summary judgment.<sup>1</sup>
- 12       • On or before January 25, 2013, Defendant shall file a single,  
13       consolidated cross-motion for summary judgment and opposition  
14       to Plaintiffs' motion for summary judgment.
- 15       • On or before February 8, 2013, Plaintiffs shall file a single,  
16       consolidated opposition to Defendant's cross-motion for  
17       summary judgment and reply in support of Plaintiffs' motion  
18       for summary judgment.
- 19       • On or before February 22, 2013, Defendant shall file a single,  
20       consolidated reply in support of Defendant's cross-motion for  
21       summary judgment.

22 Plaintiffs and Defendant are each allotted a total of 135 pages for  
23 their briefing, to be distributed among their briefs as they see  
24 fit. Any motions or stipulations for additional pages of briefing  
25 filed after January 11, 2013 shall be strongly disfavored. As will  
26 motions for leave to file surreply briefs. The Court shall not

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27 <sup>1</sup> As all Plaintiffs are represented by the same counsel, they shall  
28 collectively file a single motion, a single opposition brief, and a  
single reply brief.

1 consider any new arguments raised on reply. The parties need not  
2 submit new evidence or declarations and may refer to the  
3 declarations and evidence submitted in support of their previously  
4 filed motions for partial summary judgment. This matter shall be  
5 submitted on the papers.

6 The trial currently set for February 11, 2013 and the hearing  
7 set for January 11, 2013 are hereby VACATED. The Court shall set a  
8 new trial date in a separate Order.

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10 IT IS SO ORDERED

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12 Dated: December 19, 2012

  
UNITED STATES DISTRICT JUDGE

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