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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

12 TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, a Connecticut
13 corporation; FIDELITY & GUARANTY
INSURANCE COMPANY, an Iowa
14 corporation; THE TRAVELERS
INDEMNITY COMPANY OF
15 CONNECTICUT, a Connecticut corporation;
ST. PAUL MERCURY INSURANCE
16 COMPANY, a Minnesota corporation,

17 Plaintiffs,

18 v.

19 CENTEX HOMES, a Nevada partnership; and
DOES 1 through 10 inclusive,

20 Defendants.

22 CENTEX HOMES, a Nevada partnership,

23 Counterclaimant,

24 v.

25 TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, et al.,

26 Counterdefendants.
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28

Case No. CV 11-03638 SC (DMR)

**STIPULATION AND [PROPOSED]
ORDER RE: EXPERT DISCOVERY AND
TRIAL DEADLINES**

Judge: Hon. Samuel Conti

Trial Date: Not Set

1 In light of the Court’s order, dated December 19, 2012 (Docket #119), which vacated the
2 February 11, 2013 trial date, and in conformance with Northern District Local Rule 6-1(b), 7-12
3 and Rule 26(a)(2)(A) of the Federal Rules of Civil Procedure, Travelers Property Casualty
4 Company of America, Fidelity & Guaranty Insurance Company, The Travelers Indemnity
5 Company of Connecticut, St. Paul Mercury Insurance Company (collectively, “Travelers”) and
6 Centex Homes (“Centex”) hereby stipulate as follows:

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8 The deadline for the experts designated by Travelers and Centex to supply their written
9 report under Rule 26(a)(2)(B) will be extended to January 7, 2013.

10
11 The deadline for Travelers and Centex to disclose the identity of any rebuttal expert under
12 Rule 26(a)(2)(D) will be extended to January 21, 2013.

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14 The deadline for Travelers and Centex to complete expert discovery under Northern
15 District of California Local Rule 37-3 will be extended to February 22, 2013.

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17 The deadline for Travelers and Centex to file motions to compel expert discovery will be
18 extended to March 1, 2013.

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20 All remaining deadlines—i.e., those that have not already passed or that were not set in the
21 Court’s December 19, 2012 Order—are also vacated until the Court re-sets them with reference to
22 the new trial date.

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1 DATED: Decmeber 20, 2012

PAYNE & FEARS LLP

2
3
4 By: _____

JEFFREY M. HAYES

5 Attorneys for Defendants CENTEX HOMES, a
6 Nevada partnership; NEWMeyer & DILLION,
7 LLP, a California limited liability partnership

8 DATED: Decmeber 20, 2012

THE AGUILERA LAW GROUP APLC

9
10 By: _____

ERIC AGUILERA

11 Attorneys for Plaintiffs TRAVELERS
12 PROPERTY CASUALTY COMPANY OF
13 AMERICA, et al.

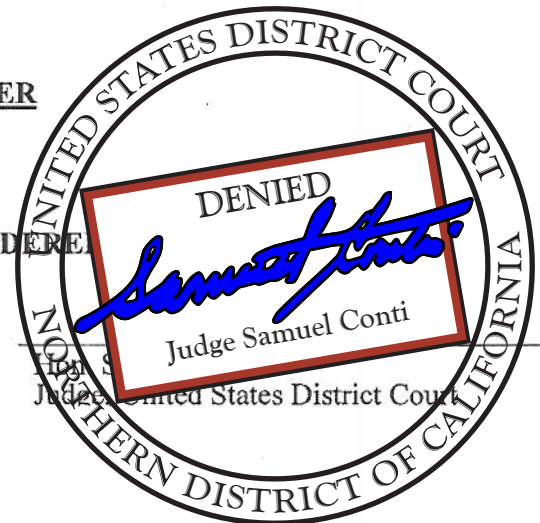
14
15 ORDER

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18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19 December 28, 2012

20 Dated: _____

21 4826-0931-3553.1



DECLARATION OF JEFFREY M. HAYES

I, Jeffrey M. Hayes, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am an associate with Payne & Fears LLP, attorneys of record for Centex Homes, a Nevada partnership. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein. I make this declaration in support of Stipulation and [Proposed] Order re: Expert Discovery and Trial Deadlines.

2. In light of the Court's December 19, 2012 Order vacating the February 11, 2013 trial date in this case, the parties have met and conferred about possible changes to the remaining pre-trial deadlines for expert witness discovery.

3. In light of the vacated trial date, to facilitate the scheduling of expert witness depositions and to accommodate the holiday plans of the experts, the parties, the attorneys, and most importantly the attorney's staff, the parties agree that it makes sense to eliminate the immediate pressure to complete expert discovery if the Court so desires.

4. Prior to now, the parties stipulated to continue the hearing date on Centex's motion for partial summary judgment and the related deadlines for opposition and reply briefs. In that same stipulation, the parties also stipulated to change the date for a case management conference that was originally scheduled for March 30, 2012 until May 25, 2012.

5. The parties have also agreed to two prior stipulations with respect to the expert designation and report deadlines, both of which this Court graciously signed.

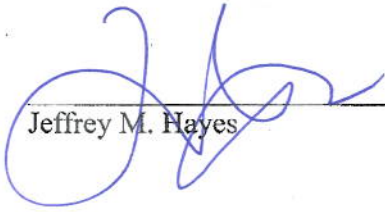
6. The parties believe this requested time modification should have no effect on the schedule of the case because there is currently no trial date set in this action and the parties' summary judgment motions will not be fully briefed until February 22, 2013.

I declare under penalty of perjury under the laws of the United States of America that the

1 foregoing is true and correct.

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Executed December 20, 2012, at Irvine, California.



Jeffrey M. Hayes

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