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17 Attorneys for Plaintiffs/Counter-Defendants

18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**

20 TRAVELERS PROPERTY CASUALTY
 21 COMPANY OF AMERICA, a Connecticut
 22 corporation; FIDELITY & GUARANTY
 23 INSURANCE COMPANY, an Iowa
 24 corporation; THE TRAVELERS INDEMNITY
 25 COMPANY OF CONNECTICUT, a
 26 Connecticut corporation, ST. PAUL
 27 MERCURY INSURANCE COMPANY, a
 28 Minnesota corporation,

Plaintiffs,

vs.

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

Defendant.

AND RELATED CROSS-ACTION.

Case No. 3:11-CV-03638-SC
 Hon. Samuel Conti

**STIPULATION TO STRIKE EXHIBIT "G"
 TO PLAINTIFFS' MOTION TO FIND
 CENTEX IN CIVIL CONTEMPT FOR
 FAILING TO COMPLY WITH THE
 COURT'S ORDER RE: MOTIONS TO
 SEAL FROM THE PUBLIC RECORD AND
 IN ITS PLACE, TO DEEM EXHIBIT "G"
 TO HAVE BEEN FILED UNDER SEAL**

Trial Date: Vacated

IT IS HEREBY STIPULATED BY AND BETWEEN Travelers Property Casualty
 Company of America, Fidelity & Guaranty Insurance Company, The Travelers Indemnity Company

1 of Connecticut, and St. Paul Mercury Insurance Company (collectively, “Travelers”) and Centex
2 Homes (“Centex”) that:

3 **RECITALS**

4 WHEREAS on April 26, 2013, Travelers filed Its Motion to Find Centex in Civil Contempt
5 [Dkts. 173].

6 WHEREAS Exhibit G to the Declaration of Thomas V. Perea consisted of electronic billing
7 records from the law firm of Newmeyer & Dillion that Centex produced in discovery [Dkt. 173-1];

8 WHEREAS these billing records were previously designated by Centex as confidential
9 pursuant to the Stipulated Protective Order [Dkt. 69];

10 WHEREAS the billing records were “publicly” filed by Travelers in conjunction with the
11 Motion to Find Centex in Civil Contempt;

12 WHEREAS these billing records contain entries about ongoing litigation and Centex
13 maintains its claims that these entries are protected by attorney-client privilege and the work-
14 product doctrine;

15 WHEREAS the parties met and conferred about Exhibit G after counsel for Centex notified
16 Travelers that Exhibit G should not have been filed in the public record;

17 WHEREAS the Travelers acknowledges that it inadvertently “publicly” filed the billing
18 statement, but Travelers believes the billing statements are necessary in order for the Court to be
19 able to properly rule on Travelers’ motion,

20 IT IS HEREBY STIPULATED by and between the parties, through their counsel, that

- 21 1. Exhibit G to Travelers’ motion is deemed stricken from the public record;
 - 22 2. The Court will instruct the Clerk to remove Exhibit G from the public record; and
 - 23 3. In its place, Exhibit G will be deemed to have been filed under seal with the Court
- 24 pursuant to ¶ 12.3 of the Stipulated Protective Order.

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IT IS SO STIPULATED.

Dated: May 9, 2013

THE AGUILERA LAW GROUP, APLC

By: /s/ Thomas V. Perea
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Kari M. Myron
Thomas V. Perea
Attorneys for plaintiffs and counter- defendants
Travelers Property Casualty Company of America,
Fidelity & Guaranty Insurance Company, The
Travelers Indemnity Company of Connecticut, and St.
Paul Mercury Insurance Company

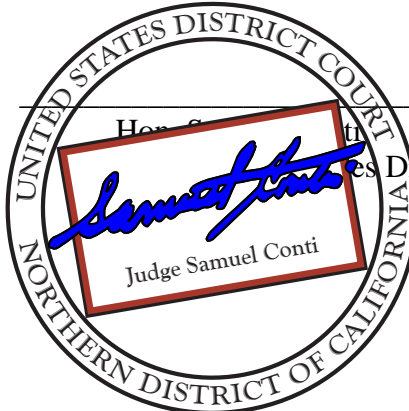
Dated: May 15, 2013

PAYNE & FEARS, LLP

By: /s/ Jeffrey M. Hayes
Scott S. Thomas
J. Kelby Van Patten
Jeffrey M. Hayes, Esq.
Attorneys for defendant and cross-complainant,
CENTEX HOMES

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 05/14/2013



4823-2870-6067.1