

PAYNE & FEARS LLP
ATTORNEYS AT LAW
JAMBOREE CENTER, 4 PARK PLAZA, SUITE 1100
IRVINE, CALIFORNIA 92614
(949) 851-1100

1 Scott S. Thomas, Bar No. 106720
sst@paynefears.com
2 J. Kelby Van Patten, Bar No. 167553
kvp@paynefears.com
3 Jeffrey M. Hayes, Bar No. 246511
jmh@paynefears.com
4 PAYNE & FEARS LLP
Attorneys at Law
5 Jamboree Center, 4 Park Plaza, Suite 1100
Irvine, California 92614
6 Telephone: (949) 851-1100
Facsimile: (949) 851-1212
7
8 NEWMEYER & DILLION LLP
Joseph A. Ferrentino, CBN 162855
Joe.Ferrentino@ndlf.com
9 895 Dove Street, Fifth Floor
Newport Beach, CA 92660
10 (949) 854-7000; (949) 854-7099 (fax)
11 Attorneys for Centex Homes, a Nevada partnership

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

15 TRAVELERS PROPERTY CASUALTY
16 COMPANY OF AMERICA, a Connecticut
17 corporation; FIDELITY & GUARANTY
INSURANCE COMPANY, an Iowa
18 corporation; THE TRAVELERS
INDEMNITY COMPANY OF
19 CONNECTICUT, a Connecticut corporation;
ST. PAUL MERCURY INSURANCE
20 COMPANY, a Minnesota corporation,

Plaintiffs,

v.

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

Defendants.

Case No. 3:11-cv-03638-CRB
Honorable Charles R. Breyer

STIPULATION TO STAY CASE AND ORDER

25 AND RELATED COUNTERCLAIM
26

1 Travelers Property Casualty Company of America, Fidelity & Guaranty Insurance
2 Company, The Travelers Indemnity Company of Connecticut and St. Paul Mercury Insurance
3 Company (collectively “Travelers”), on the one hand and Centex Homes (“Centex”), on the other
4 hand, through their designated counsel, respectfully request that this Court stay this matter for all
5 purposes, including the recent briefing the Court ordered following the status conference held on
6 March 18, 2016. (Docket No. 257.)

7 The parties have been involved in substantial global settlement negotiations for the dozens
8 of cases between them in California courts. This includes state and federal cases throughout
9 California, including this one.

10 On January 19, 2016, the parties attended a mandatory settlement conference before the
11 Honorable John A. Kronstadt of the Central District of California. The parties adjourned the
12 conference to exchange certain information to assist in further settlement discussions. As part of
13 the ongoing settlement discussions, the parties entered into an informal standstill of most of the
14 outstanding cases to conserve resources and promote judicial economy. Although this case was
15 not initially part of the standstill, the parties wish to extend the standstill to include this case as
16 well.

17 Initially the standstill was for 30 days to facilitate a February 23, 2016 settlement
18 conference. However, the parties continued the MSC to April 1, 2016, to permit for additional
19 information gathering. Recently, however, the Court continued the MSC to May 10, 2016. If
20 discussions are promising, the parties may wish to hold additional days of settlement discussion if
21 all issues are not resolved on May 10, 2016.

22 In light of the May 10, 2016, continued MSC, the parties now wish to stay this matter for
23 all purposes and to take the May 20, 2016, status conference off calendar. The parties believe a
24 stay will focus the parties’ settlement efforts and preserve judicial economy.

25 If the Court agrees to the stay, the parties propose that they submit a brief joint status
26 report no later than May 24, 2016 indicating whether the settlement discussions remain ongoing,
27 such that a continued stay is warranted, or whether the discussions have reached an impasse and,
28 in that case, propose a briefing schedule on the briefs the Court ordered during the March 18,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2016, status conference. (Docket No. 257.)

DATED: April 22, 2016

PAYNE & FEARS LLP

By: /s/ Jeffrey M. Hayes
J. KELBY VAN PATTEN
JEFFREY M. HAYES

Attorneys for Defendant CENTEX HOMES

DATED: April 22, 2016

THE AGUILERA LAW GROUP, APLC

By: /s/ Rebecca Hunter
A. ERIC AGUILERA, ESQ.
RAYMOND E. BROWN, ESQ.
REBECCA HUNTER, ESQ.

Attorneys for Plaintiffs TRAVELERS
PROPERTY CASUALTY COMPANY OF
AMERICA, FIDELITY & GUARANTY
INSURANCE COMPANY, THE TRAVELERS
INDEMNITY COMPANY OF CONNECTICUT,
ST. PAUL MERCURY INSURANCE
COMPANY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

PURSUANT TO STIPULATION, IT IS ORDERED that this case is stayed for all purposes and all pending deadlines are taken off calendar.

IT IS FURTHER ORDERED that the parties submit a joint status update no later than May 24, 2016, following the conclusion of the MSC that is being held before Honorable John A. Kronstadt of the Central District of California.

Dated: April 28, 2016



Hon. Charles R. Breyer
Judge, United States District Court