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11 Attorneys for BRE PROPERTIES, INC.

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

15 GENESIS INSURANCE COMPANY, a  
16 Connecticut Corporation,

17 Plaintiff,

18 vs.

19 BRE PROPERTIES, INC., a California  
20 corporation, and LEXINGTON INSURANCE  
21 COMPANY, a Delaware Corporation,

22 Defendants.

Case No. 3:12-cv-0368-EDL

**STIPULATION REGARDING HEARING  
 DATE AND BRIEFING SCHEDULE;  
~~PROPOSED~~ ORDER AS MODIFIED**

[Civil Local Rule 7.7]

New Date: December 11, 2012  
 Time: 9:00 a.m.  
 Loc.: Courtroom E - 15th Floor  
 Judge: Hon. Magistrate Elizabeth D. Laporte

Complaint Filed: January 24, 2012  
 Trial Date: None

23 AND RELATED COUNTERCLAIM AND  
 24 CROSS-CLAIMS.

25 Subject to Court approval, the parties in this action, Plaintiff and Counterdefendant Genesis  
 26 Insurance Company ("Genesis"), Defendant, Counterclaimant and Crossclaimant BRE Properties,  
 27 Inc. ("BRE"), and Defendant, Counterclaimant and Crossclaimant Lexington Insurance Company  
 28 ("Lexington"), stipulate as follows pursuant to Civil Local Rule 7.7 regarding (1) the motion for  
 summary judgment filed by Genesis on September 25, 2012 (docket no. 51), (2) the motion for  
 summary judgment filed by Lexington on October 23, 2012 (docket no. 58), and (3) the motions  
 for summary judgment filed by BRE on October 29, 2012 (docket nos. 63 and 67):

1           1.       The hearing date on the motion for summary judgment filed by Genesis is changed  
2 from Tuesday, November 27, 2012 to Tuesday, December 11, 2012 at 9:00 a.m.

3           2.       The hearing date on the motion for summary judgment filed by Lexington is  
4 changed from Tuesday, November 27, 2012 to December 11, 2012 at 9:00 a.m.

5           3.       The hearing date on the motions for summary judgment filed by BRE Properties,  
6 Inc. is changed from Tuesday, December 4, 2012 to Tuesday, December 11, 2012 at 9:00 a.m.

7           4.       Any reply brief in support of the motion for summary judgment filed by Genesis  
8 must be filed no later than November 13, 2012.

9           4.       Any opposition brief to the motion for summary judgment filed by Lexington must  
10 be filed no later than November 13, 2012.

11          5.       Any opposition briefs to the motions for summary judgment filed by BRE must be  
12 filed no later than November 20, 2012.

13          6.       Any reply brief in support of the motion for summary judgment filed by Lexington  
14 must be filed no later than November 20, 2012.


15          6.       Any reply briefs in support of the motions for summary judgment filed by BRE  
16 must be filed no later than December 3, 2012.

17           Good cause exists for this stipulation and proposed order because the parties' motions for  
18 summary judgment concern the same issues, facts and law such that they should be heard at the  
19 same time, and because all counsel are available on December 11, 2012 at 9:00 a.m.

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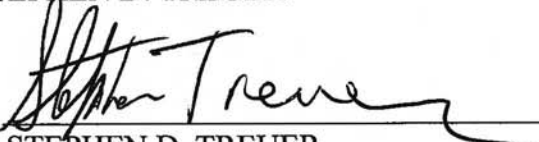
Dated: October 31, 2012

ALLEN MATKINS LECK GAMBLE  
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BRIAN R. BAUER

By:   
BRIAN R. BAUER  
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and Crossclaimant  
BRE PROPERTIES, INC.

1 Dated: October 30, 2012

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STEPHEN D. TREUER

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4 By:   
STEPHEN D. TREUER  
Attorneys for Plaintiff and Counterdefendant  
Genesis Insurance Company

6  
7 Dated: October \_\_, 2012

GORDON & REES LLP  
DONALD J. VERFURTH

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9 By: \_\_\_\_\_  
DONALD J. VERFURTH  
Attorneys for Defendant, Counterclaimant  
and Crossclaimant  
Lexington Insurance Company

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1 Dated: October \_\_, 2012

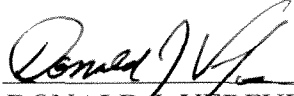
BARBANEL & TREUER, P.C.  
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By: \_\_\_\_\_  
STEPHEN D. TREUER  
Attorneys for Plaintiff and Counterdefendant  
Genesis Insurance Company

Dated: October 30, 2012

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DONALD J. VERFURTH


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**ORDER**

Pursuant to stipulation, IT IS SO ORDERED. The parties' proposed briefing schedule is approved. The hearing on the parties' summary judgment motions is scheduled for December 18, 2012, at 9:00 a.m.

Dated: November 1, 2012

  
Hon. Magistrate Elizabeth D. Laporte  
Judge, United States District Court