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14	UNITED STATES DI	STRICT COUR	Г
15	NORTHERN DISTRICT	OF CALIFOR	NIA
	CATLIN SPECIALTY INSURANCE COMPANY, a Delaware corporation,) Case No.: 12-	CV-00424-EMC
17	Plaintiff,) STIPULATE	D MOTION TO STAY
18		/	NGS; ORDER ON D MOTION (as modified
19	VS.) SIIPULAIE	D MOTION (as mounted
0	CAMICO MUTUAL INSURANCE COMPANY, a California corporation,	Courtroom:	5
		Judge:	Hon. Edward M. Chen
21	Defendant.)	
$22 \parallel c$	CAMICO MUTUAL INSURANCE)	
	COMPANY, a California corporation,))	
24	Counter-Claimant,	,))	
11	VS.)	
25)	
26	CATLIN SPECIALTY INSURANCE)	
-)))	
26 C 27	CATLIN SPECIALTY INSURANCE))))	
$26 \mid 0$	CATLIN SPECIALTY INSURANCE COMPANY, a Delaware corporation,))))	Case No. 12-CV-00424-EMC

Plaintiff and Counter-Defendant Catlin Specialty Insurance Company ("Catlin") and 1 Defendant and Counter-Claimant CAMICO Mutual Insurance Company ("CAMICO") 2 (collectively referred to herein as the "Parties") hereby advise the Court that they have 3 reached an agreement in principle that would resolve the insurance coverage issues being 4 5 litigated in this action. Therefore, Catlin and CAMICO request that the Court vacate all pending dates, and that this action be stayed to allow the parties the opportunity to resolve 6 7 this matter without the Parties or the Court incurring the costs associated with further litigation. The Parties further request that the Court set a status conference on January 11, 8 2013 at 10:30 a.m., or another day convenient for the Court, so that the Parties can apprise 9 the Court of the status of the resolution of this case. 10

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In support of this motion, the Parties state:

It is expected that the agreement in principle reached between them will
 resolve the coverage disputes at issue in this action. However, the Parties need additional
 time to work out the details of the agreement in principle.

Under the law, "the power to stay proceedings is incidental to the power
inherent in every court to control the disposition of the cases on its docket with economy of
time and effort for itself, for counsel and for the litigants." *Landis v. North American Co.*,
299 U.S. 248, 254 (1936). "When and how to stay proceedings is within the sound discretion
of the trial court." *Cherokee Nation v. United States*, 124 F.3d 1413, 1416 (Fed. Cir. 1997).

3. "Where it is proposed that a pending proceeding be stayed, the competing
interests which will be affected by the granting or refusal to grant a stay must be weighed." *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). "Among these competing interests
are the possible damage which may result from the granting of a stay, the hardship or inequity
which a party may suffer in being required to go forward, and the orderly course of justice
measured in terms of the simplifying or complicating of issues, proof, and questions of law
which could be expected to result from a stay." *Id.*

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Here, the Parties agree that this action should be stayed and agree that the stay
 will facilitate resolution of the contested issues in this case. The stay should also afford the
 time necessary for resolution of and dismissal of this action without further action from the
 Court, thereby conserving judicial resources and eliminating the burden of the costs
 associated with further litigation on the Parties and the Court.

5. The only previous modification to the case schedule requested to date consists
of Catlin's request for a continuance of the Court's final determination of cross motions for
summary judgment (Docket Nos. 26 and 28) allowing Catlin to conduct discovery under
Federal Rule of Civil Procedure, Rule 56(d), which the Court granted. The Court ordered
supplemental briefs due on January 7, 2013, responses to supplemental briefs due on January
14, 2013, and summary judgment hearing on the collusion issues and exclusion clauses on
February 1, 2013.

Wherefore, for the reasons stated above, Catlin and CAMICO request that the Court vacate all pending dates, that this action be stayed, and that the Court set a status conference on January 11, 2013 at 10:30 a.m., or another day convenient for the court, so that the Parties can apprise the Court of the status of the resolution of this case.

Respectfully submitted, 17 18 Dated: November 15, 2012 GORDON & REES LLP 19 By /s/ Matthew S. Foy 20 Matthew S. Foy, Esq. Geoffrey Hutchinson, Esq. 21 Attorney for Plaintiff/Counter-Defendant CATLIN SPECIALTY INSURANCE 22 COMPANY 23 24 Dated: November 15, 2012 MUSICK, PEELER & GARRETT LLP 25 By /s/ Gilbert D. Jensen 26 Gilbert D. Jensen, Esq. Attorney for Defendant/Counter-Claimant 27 CAMICO MUTUAL INSURANCE COMPANY 28 -3-Case No. 12-CV-00424-EMC STIPULATED MOTION TO STAY PROCEEDINGS; ORDER ON STIPULATED MOTION

1	ATTESTATION OF E-FILED SIGNATURE		
2	I, Matthew S. Foy, am the ECF user whose ID and password are being used to file this		
3	Stipulated Motion to Stay Proceedings. In compliance with Local Rule 5-1, I hereby attes		
4	that Gilbert D. Jensen, counsel for Defendant/Counterclaimant CAMICO Mutual Insurance		
5	Company has concurred in this filing.		
6	Dated: November 15, 2012 GORDON & REES LLP		
7			
8	By <u>/s/ Matthew S. Foy</u> Matthew S. Foy, Esq.		
9	Attorney for Plaintiff/Counter-Defendant CATLIN SPECIALTY INSURANCE		
10	COMPANY		
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12			
13	ORDER		
14	PURSUANT TO STIPULATION, IT IS SO ORDERED:		
15	All pending dates are vacated and this action is stayed.		
16	The parties shall appear at a Status Conference to report on the status of the resolution		
17	of the case on: $1/17/13$ at 10:30 a.m. An updated joint CMC statement shall be filed by $1/10/13$.		
18	STATES DISTUCT		
19	Dated: November 19, 2012		
20	Honorable Edward Derector Honorable Edward D		
21			
22	Z Judge Edward M. Chen		
23	DISTRICT OF CHI		
24			
25 26			
26 27			
CATLN/1073181/14080229v.1 28			
20	-4- Case No. 12-CV-00424-EMC		
	STIPULATED MOTION TO STAY PROCEEDINGS; ORDER ON STIPULATED MOTION		