

KAUFMAN DOLOWICH VOLUCK & GONZO LLP

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Attorneys for Plaintiff
SCOTTSDALE INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCOTTSDALE INSURANCE COMPANY,)
an Ohio Corporation,)
)
Plaintiff(s),)
)
vs.)

Case Number: CV 12 1780

COAPT SYSTEMS, INC. a Delaware)
Corporation; ROBERT ELSON, DAVID)
APFELBERG, LAUREEN DUBUONO,)
THOMAS KANAR, DAN GRUBMAN,)
DAVID BARELLA, BADER BELLAHSENE,)
CHARLOTTE COPELAND, LINDA)
RUEDY, DAVID GOLDBERG, MADELINE)
LYELL, all Individuals)
)
Defendant(s).)

STIPULATION AND ~~PROPOSED~~ ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE

By and through their attorneys, plaintiff Scottsdale Insurance Company (“Scottsdale”) on the one hand and defendants Robert Elson, David Apfelberg, Lauren DeBuono, Thomas Kanar, Dan Grubman, David Barella, Bader Bellashene, Charlotte Copeland, Linda Ruedy, David Goldberg and Madeline Lyell (collectively, “the Individual Defendants”) hereby agree and stipulate as follows:

A Case Management Conference is presently scheduled for February 15, 2013;

As we previously advised the Court, there were developments in the underlying case that have affected this action. Specifically, another insurance coverage action has been pending.

STIPULATION AND [PROPOSED] ORDER

1 CNA filed a declaratory relief action relating to a general liability policy. The underlying
2 plaintiffs, CNA and the individual Defendants herein have entered into a settlement consisting of
3 claims releases and waivers of insurance claims. We anticipate that the agreements will be
4 signed by all parties and that the CNA coverage action will be dismissed on or about February
5 20, 2013.

6 The next step in the resolution process is to reach agreement on a similar claims release
7 and waiver of insurance coverage as to the Scottsdale policy. The parties hereto are working
8 toward that end together and with counsel for the underlying plaintiffs. Hopefully, we will be
9 able to avoid naming all the underlying plaintiffs in this suit – a condition for making the award
10 binding upon them.

11 With that goal of completing the settlement, and minimizing the costs to the parties
12 relating to this litigation, the parties suggest a continuance of the Case Management Conference
13 for a period of ninety days, or to a date convenient to the Court, would be advantageous to
14 resolution.

15 IT IS SO STIPULATED.

16 DATED: February 7, 2013

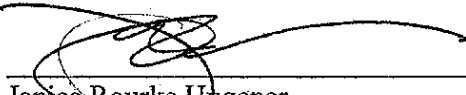
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19 _____
20 Joseph J. De Hope, Jr.
21 Attorneys for Plaintiff Scottsdale Insurance Company

22 DATED: February 7, 2013

THE HUGENER LAW GROUP

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26 Janise Rourke Hugener
27 Attorneys for Individual Defendants Robert Elson, David
28 Apfelberg, Laureen DeBuono, Thomas Kanar, Dan
Grubman, David Barella, Bader Bellashene, Charlotte
Copeland, Linda Ruedy, David Goldberg and Madeline
Lyell

STIPULATION AND [PROPOSED] ORDER

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ORDER

Pursuant to the Stipulation of Counsel, and for good cause shown, the Case Management Conference presently set for February 15, 2013 at 10:30 A.M. is hereby ORDERED continued to

May 10, 2013

DATED: February 8, 2013



HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT COURT JUDGE

4850-8782-6194, v. 1