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10 *Attorneys for Defendant*
 11 DIGNITY HEALTH f/k/a Catholic Healthcare
 West d/b/a Mercy General Hospital
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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 PLATTE RIVER INSURANCE
 16 COMPANY,

17 Plaintiff,

18 vs.

19 DIGNITY HEALTH f/k/a CATHOLIC
 HEALTHCARE WEST d/b/a MERCY
 20 GENERAL HOSPITAL,

21 Defendants.

22 **RELATED CASE:**

23 ARCH INSURANCE COMPANY,

24 Plaintiff,

25 v.

26 DIGNITY HEALTH f/k/a Catholic
 Healthcare West, a California corporation,
 and MERCY GENERAL HOSPITAL, a
 27 California corporation,

28 Defendants

Case No. C 12-02356 EMC
 Case No. 3:12-cv-02369 EMC

**JOINT CASE MANAGEMENT
 STATEMENT & [PROPOSED] ORDER
 RESETTING CMC**

Date: November 14, 2012
 Time: 9:30 a.m.
 Location: San Francisco Courthouse,
 Courtroom 5, 17th Floor
 Judge: Hon. Edward M. Chen

1 The parties to the above-entitled related actions jointly submit this JOINT CASE
2 MANAGEMENT STATEMENT & PROPOSED ORDER pursuant to the Standing Order for All
3 Judges of the Northern District of California dated July 1, 2011 and Civil Local Rule 16-9. These
4 above-captioned insurance coverage actions (the “Arch action” and the “Platte River action;”
5 collectively, the “Platte River/Arch Action”) are currently stayed pursuant to the Court’s August
6 16, 2012 Order on the parties’ Joint Stipulation Re: Stay of Action. The *Platte River/Arch* Action
7 relates to insurance coverage for an underlying wrongful termination lawsuit against Dignity,
8 entitled *Chopourian v. Catholic Healthcare West, et al.*, United States District Court, Eastern
9 District of California, Case No. 2:09-cv-02972-KJM-KJN (the “*Chopourian* lawsuit”).

10 As the Court may recall, the parties had requested, and the Court granted, the Stay due to
11 the fact that the even though a jury verdict had been reached in the *Chopourian* lawsuit against
12 Dignity, Dignity was in the process of pursuing post-trial motions and, if necessary, an appeal of
13 the judgment. Undersigned counsel for Dignity advises that Judge Kimberly J. Muller heard oral
14 argument on Dignity’s post-trial motions in the *Chopourian* lawsuit on October 25, 2012, and
15 requested additional briefing from the parties, which was submitted on November 2, 2012.

16 Undersigned counsel for Dignity represents that on November 5, 2012, before Judge
17 Muller ruled on the post-trial motions, the parties to the *Chopourian* action reached a settlement
18 in principle in that lawsuit. Counsel for Dignity represents that the parties to the *Chopourian*
19 action are now in the process of committing the settlement to writing. Counsel for Dignity
20 represents that while the settlement is confidential, there are some material terms and conditions
21 that need to be worked out between the parties, which they have 45 days to do. Thus, counsel for
22 Dignity advises that, at this time, a settlement agreement has not yet been finalized and signed by
23 all parties to the *Chopourian* action and that lawsuit remains pending and has not yet been
24 dismissed.

25 Pursuant to the Stay in this action, the stay can be lifted through a stipulation by the
26 parties, and approval by the Court. Alternatively, one party can seek to lift the stay upon 30 days
27 notice. Neither method to lift the Stay has been implemented by the parties at this time. In light
28 of this and the fact that, according to counsel for Dignity, the *Chopourian* settlement is still being

1 finalized, the parties believe it is premature to address most of the issues in the Joint Case
2 Management Statement, including (1) jurisdiction and service; (2) the factual and legal issues; (3)
3 amendments to the pleadings; (4) the parties' Initial Disclosures; (5) discovery-related issues; (6)
4 settlement; (7) whether the case is suitable to be resolved through another means; and (8) trial
5 scheduling and trial issues.

6 As to the remaining issues, the parties herein respond as follows:

7 1. The parties are committed to preserving all evidence relevant to the Platte
8 River/Arch Action;

9 2. The parties have declined to consent to proceed before a Magistrate Judge;

10 3. Certifications of Interested Parties have been submitted by the parties.

11 Based upon the above, the parties request a continuance of the Case Management
12 Conference for 45 days.

13 However, nothing in this Statement precludes any party from seeking to lift the Stay at
14 any time.

15 Respectfully submitted,

16

17 Dated: November 7, 2012

TROUTMAN SANDERS LLP

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BY: /s/ Terrence R. McInnis
Terrence R. McInnis
Attorneys for Plaintiff
PLATTE RIVER INSURANCE COMPANY

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22 Dated: November 7, 2012

SEDGWICK LLP

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BY: /s/ Nicholas J. Boos
Nicholas J. Boos
Attorneys for Plaintiff
ARCH INSURANCE COMPANY

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Dated: November 7, 2012

MANATT, PHELPS & PHILLIPS, LLP

BY: /s/ Amanda M. Knudsen
Amanda M. Knudsen
Attorneys for Defendant
DIGNITY HEALTH f/k/a Catholic Healthcare
West d/b/a Mercy General Hospital

Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Amanda M. Knudsen hereby attests that concurrence in the filing of this document has been obtained.

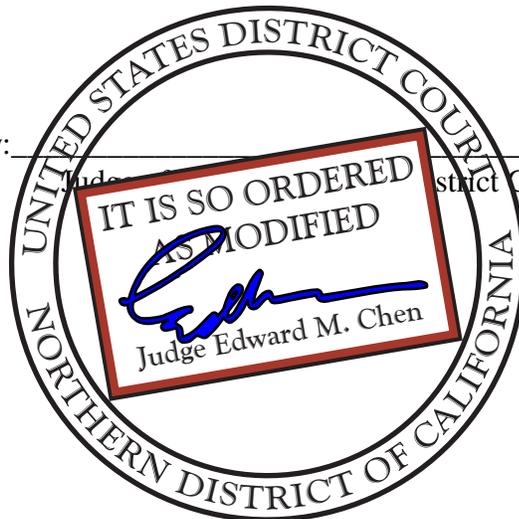
ORDER

Pursuant to the parties request above, the Case Management Conference is continued to January 17, 2013 at 9:00 a.m. December __, 2012, at _____ a.m. in Courtroom 5. An updated joint CMC statement shall be filed by January 10, 2013.

IT IS SO ORDERED.

8
Dated: November __, 2012

By: _____
District Court



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