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11 Attorneys for Defendant
 12 ZURICH AMERICAN INSURANCE COMPANY

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 DAVID LOFTON,
 16 Plaintiff,
 17 v.
 18 ZURICH AMERICAN INSURANCE
 19 COMPANY, a New York corporation,
 20 Defendant.

Case No. 3:12-cv-03835-MMC

**STIPULATION REGARDING TRANSFER
 OF CASE FROM THE HONORABLE
 JUDGE MARIA-ELENA JAMES AND
 [PROPOSED] ORDER**

Second Amended
 Complaint Filed: October 23, 2012
 Trial Date: December 20, 2013

1 TO THE HONORABLE COURT AND TO ALL PARTIES AND COUNSEL:

2 Plaintiff DAVID LOFTON and Defendant ZURICH AMERICAN INSURANCE
3 COMPANY (collectively, the "Parties"), by and through their counsel of record, hereby stipulate
4 and agree as follows:

5 WHEREAS, on or around November 2, 2012, the parties held an initial case management
6 conference before the Honorable Maxine M. Chesney at which time the Court scheduled the
7 dispositive motion filing cut off for this case for August 30, 2013.

8 WHEREAS, during the same case management conference, Judge Chesney referred this case
9 to Magistrate Judge Maria-Elena James for a settlement conference to be conducted in February
10 2013, her calendar permitting.

11 WHEREAS, a case settlement conference was originally scheduled before Judge James for
12 February, 2013 but was continued on a number of occasions such that the case management
13 conference is now scheduled to occur on September 4, 2013 – after this Court's deadline for the
14 filing of dispositive motions in this Case.

15 WHEREAS, in hopes of achieving settlement through such conference without burdening the
16 Court with a summary judgment motion, counsel for Defendant Zurich American Insurance
17 Company has informally communicated with the Honorable Joseph C. Spero's clerk and determined
18 that he has availability for a July 18, 2013 settlement conference.

19 IT IS NOW HEREBY STIPULATED AND AGREED that: for purposes of settlement
20 conference, the above action may and will be reassigned and transferred from the Honorable Maria-
21 Elena James to the Honorable Joseph C. Spero in order that the Parties may conduct a timely
22 settlement conference.

23 Dated: May 31, 2013

Respectfully submitted,

24 /s/ Aurelio J. Perez

Natalie E. Pierce

Aurelio J. Perez

LITTLER MENDELSON, P.C.

A Professional Corporation

Attorneys for Defendant ZURICH AMERICAN
INSURANCE COMPANY

1 I HEREBY ATTEST THAT THE CONTENT OF THIS DOCUMENT IS
2 ACCEPTABLE TO ALL PERSONS REQUIRED TO SIGN IT.

3 Dated: May 31, 2013

Respectfully submitted,

4
5 /s/ George J. Barron

George J. Barron
DONAHUE GALLAGHER WOODS LLP
Attorneys for Plaintiff
DAVID LOFTON

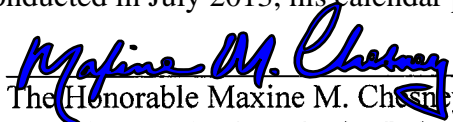
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Consistent with the Parties' Stipulation, ~~notice regarding reassignment of this case and the~~
the reference to the Honorable Maria-Elena James is hereby withdrawn, and the above-titled action
~~hearing date for the above-referenced settlement conference shall be forthcoming from the Court.~~
is hereby referred to the Honorable Joseph C. Spero for purposes of conducting a settlement
conference. The Settlement Conference shall be conducted in July 2013, his calendar permitting.

DATED: June 4, 2013



The Honorable Maxine M. Chesney
United States Senior District Judge

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