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FEDERAL INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

11 FEDERAL INSURANCE COMPANY, a  
corporation,  
12  
Plaintiff,  
13  
vs.  
14 TOM NEWBY,  
15  
Defendant.

CASE NO. C 12-05084 ~~MEJ~~ MMC  
STIPULATION FOR STAY OF  
COUNTERCLAIM AND REQUEST FOR  
ORDER THEREON ; ORDER

Complaint Filed: October 1, 2012  
Counterclaim Filed: November 1, 2012

17 AND RELATED COUNTERCLAIM

- 18
- 19 1. Plaintiff and Counter-Defendant Federal Insurance Company (“FEDERAL”) and  
20 Defendant and Counterclaimant Tom Newby (“NEWBY”), by and through their attorneys of  
21 record, stipulate as follows:
- 22 2. WHEREAS, NEWBY made an insurance claim to FEDERAL for damage arising  
23 out of a water leak and, in relevant part, NEWBY and FEDERAL are engaged in an appraisal of  
24 the loss pursuant to the insurance policy;
- 25 3. WHEREAS, FEDERAL filed the above-captioned action for declaratory relief  
26 against NEWBY on October 1, 2012, seeking a determination of the scope of what is to be  
27 appraised in the appraisal proceeding and of the form of the appraisal award;
- 28 4. WHEREAS, NEWBY filed a Counterclaim setting forth claims for relief for breach

1 of contract and for breach of the implied covenant of good faith and fair dealing on November 1,  
2 2012; and

3 4. WHEREAS, the appraisal process is ongoing and the parties believe and agree that  
4 in the interests of judicial economy and efficiency the litigation of the Counterclaim should be  
5 stayed until the appraisal proceeding has been completed;

6 **IT IS SO STIPULATED.**

8 DATED: December 26, 2012

**FORAN GLENNON PALANDECH  
PONZI & RUDLOFF PC**

10 By: /s/ Marjie D. Barrows  
Marjie D. Barrows

11 Attorneys for Plaintiff and Counter-Defendant  
12 FEDERAL INSURANCE COMPANY

13 DATED: December 26, 2012

**PILLSBURY & LEVINSON, LLP**

15 By: /s/ Eric K. Larson  
Eric K. Larson

16 Attorneys for Defendant and Counterclaimant TOM  
17 NEWBY

18 **ORDER STAYING COUNTERCLAIM**

19 Based on the above-stated stipulation, and good cause otherwise appearing, IT IS  
20 ORDERED that the litigation of the counterclaim in this action is stayed until the appraisal  
21 proceeding in this action has been completed and the further Order of the Court.

23 DATED: January 16, 2013 ~~2012~~



24 UNITED STATES DISTRICT JUDGE