1 2 3 4 5 6 7	Mary E. McCutcheon (State Bar No. 099939) mmccutcheon@fbm.com C. Brandon Wisoff (State Bar No. 121930) bwisoff@fbm.com Tyler C. Gerking (State Bar No. 222088) tgerking@fbm.com Richard E. Robinson (State Bar No. 280529) rrobinson@fbm.com Farella Braun + Martel LLP 235 Montgomery Street, 17th Floor San Francisco, California 94104 Telephone: (415) 954-4400 Facsimile: (415) 954-4480	James R. Carroll (pro hac vice) james.carroll@skadden.com Skadden, Arps, Slate, Meagher & Flom LLP One Beacon Street, 31st Floor Boston, Massachusetts 02108 Telephone: (617) 573-4800 Facsimile: (617) 573-4822 Attorneys for Plaintiff and Counter-Defendant LIBERTY MUTUAL INSURANCE COMPANY
9	Attorneys for Defendant and Counter-Claimant THE CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN	
10	UNITED STATES DISTRICT COURT	
11	NORTHERN DISTRICT OF CALIFORNIA	
12	SAN FRANCISCO DIVISION	
13	LIBERTY MUTUAL INSURANCE	Case No. C-11-1419 MMC
14	COMPANY, a Massachusetts Corporation,	STIPULATION AND [PROPOSED]
15	Plaintiff,	ORDER TO DEFER DEADLINES TO IMPLEMENT SETTLEMENT IN PRINCIPLE
16	vs.	
17 18 19	THE CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN, a program established under California Insurance Code section 11620 et seq., and DOES 1 through 20, inclusive,	Judge: Hon. Maxine M. Chesney Dept: Courtroom 7, 19th Floor Complaint filed: March 24, 2011
20	Defendants.	
21		
22	THE CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN,	
23	Counter-Claimant,	
24	vs.	
25	LIBERTY MUTUAL INSURANCE COMPANY, a Massachusetts Corporation,	
26	•	
27	Counter-Defendant	
28		
Farella Braun & Martel LLP Russ Building, 17th Floor 235 Montgomery Street San Francisco, CA 94104 Telephone: (415) 954-4400	STIPULATION AND [PROPOSED] ORDER TO DEFER DEADLINES TO IMPLEMENT SETTLEMENT Case No. C-11-1419 MMC	25319\3319727.1

1	Pursuant to Civil L.R. 6-2, Plaintiff/Counter-Defendant Liberty Mutual Insurance
2	Company ("Liberty Mutual") and Defendant/Counter-Claimant The California Automobile
3	Assigned Risk Plan ("CAARP") respectfully submit this Stipulation And Proposed Order To
4	Defer Deadlines To Implement Settlement in Principle.
5	WHEREAS, Liberty Mutual filed its Complaint on March 24, 2011 (Docket No. 1);
6	CAARP filed its answer and counterclaims on May 20, 2011 (Docket No. 11); and Liberty
7	Mutual filed its answer to CAARP's counterclaims on June 10, 2011 (Docket No. 13);
8	WHEREAS, Liberty Mutual and CAARP have reached a settlement in principle, subject
9	to approval of the CAARP Advisory Committee (which is anticipated, as a subcommittee of the
10	CAARP Advisory Committee has approved the settlement in principle) and the completion of a
11	mutually acceptable formal settlement agreement;
12	WHEREAS, to conserve the Court's and the parties' resources, Liberty Mutual and
13	CAARP wish to vacate all currently scheduled hearings, conferences and deadlines except for the
14	trial date to allow time for CAARP to obtain its Advisory Committee's approval for the
15	settlement and for the parties to prepare and execute a final settlement agreement;
16	WHEREAS, CAARP expects that it can convene an Advisory Committee meeting for a
17	formal vote on the terms of the settlement within several days to one week;
18	THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the undersigned as
19	follows:
20	1. All currently scheduled court hearings and conferences, as well as any outstanding
21	associated exchange or filing deadlines, shall be vacated, including the:
22	a. October 25, 2012 hearing before Hon. Jacqueline Scott Corley on
23	CAARP's Motion to Compel Production of Documents and Deposition
24	Testimony [Dk. No. 68];
25	b. November 16, 2012 hearings before Hon. Maxine M. Chesney on
26	CAARP's Motion to Exclude Proposed Expert Ralph Lombardi [Dk. No.
27	101], CAARP's Motion to Exclude Proposed Expert Paul Hamilton [Dk.
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- 2 -

1	No. 103], CAARP's Motion for Partial Summary Judgment [Dk. No. 105],
2	Liberty Mutual's Motion for Summary Judgment [Dk. No. 87], and
3	Liberty Mutual's Motion to Exclude Expert Testimonies of Irizarry and
4	Cotkin [Dk. No. 107];
5	c. November 16, 2012 case management conference before Hon. Maxine M.
6	Chesney;
7	d. December 11, 2012 pre-trial conference before Hon. Maxine M. Chesney;
8	and
9	e. All deadlines associated with each of the hearings and conferences set forth
10	above;
11	2. The trial date of February 4, 2013 shall remain in place pending approval by the
12	CAARP Advisory Committee of the settlement in principle and the execution by
13	CAARP and Liberty Mutual of a mutually acceptable formal settlement
14	agreement;
15	3. Should a settlement agreement not be formally approved or fully executed for
16	whatever reason, CAARP and Liberty Mutual shall immediately meet and confer
17	to agree upon a new schedule for the events described above in Paragraph No. 1
18	and propose such schedule to the Court. Any new schedule, if necessary, will be
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1	implemented within such time limits as to preserve the trial date of February 4,			
2	2 2013.			
3	Dated: October 23, 2012 FARELLA	BRAUN + MARTEL LLP		
4	4			
5	$\mathbf{D}_{\mathbf{J}}$. $\underline{\mathbf{J}}$ $\underline{\mathbf{J}}$	er C. Gerking		
6	6	C. Gerking		
7	7 THE CÂLI	or Defendant FORNIA AUTOMOBILE		
8	8	O RISK PLAN		
9	9 Dated: October 23, 2012 SKADDEN FLOM, LL	I, ARPS, SLATE, MEAGHER & P		
10		D C 11		
11	James	es R. Carroll R. Carroll		
12	1 ttorneys i	or Plaintiff		
13	COMPAN COMPAN	MUTUAL INSURANCE Y		
14	14			
15	ATTESTATION PURSUANT TO CIVIL L.R. 5-1			
16	I, Tyler C. Gerking, am the ECF User whose ID and I	I, Tyler C. Gerking, am the ECF User whose ID and password are being used to file this		
17	Stipulation And Proposed Order. In compliance with Civil L	Stipulation And Proposed Order. In compliance with Civil L.R. 5-1, I hereby attest that the		
18	concurrence in the filing of this document has been obtained	concurrence in the filing of this document has been obtained from each of the signatories. I		
19	declare under penalty of perjury under the laws of the United	declare under penalty of perjury under the laws of the United States of America that the foregoing		
20	is true and correct.	is true and correct.		
21	Executed this 23th day of October 2012, at San Francisco, California.			
22	22			
23		/s/ Tyler C. Gerking		
24	24 Ty	ler C. Gerking		
25		PURSUANT TO STIPULATION, IT IS SO ORDERED. Further, the parties shall		
26	file, no later than November 16, 2012, a joint status re	eport.		
27	27 Dated: October 23, 2012	M. Cherry		
	∥ Hon t Maxine M	. Chesney		

Farella Braun & Martel LLP Russ Building, 17th Floor 235 Montgomery Street San Francisco, CA 94104 Telephone: (415) 954-4400