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6 Attorneys for Defendants
 7 AMERICAN GUARANTEE AND
 8 LIABILITY INSURANCE COMPANY; AMERICAN
 9 ZURICH INSURANCE COMPANY; ZURICH
 AMERICAN INSURANCE COMPANY; and
 ZURICH AMERICAN INSURANCE COMPANY
 OF ILLINOIS

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12
 13 DGP ASSOCIATES, LP,
 14 Plaintiff,
 15 v.
 16 AMERICAN GUARANTEE AND
 17 LIABILITY INSURANCE COMPANY, et
 al.,
 18 Defendants.

Case No. 3:12-cv-06348 EMC

**[PROPOSED] ORDER GRANTING
 DEFENDANTS' OBJECTIONS TO REPLY
 TO DEFENDANTS' OPPOSITION TO
 MOTION TO REMAND**

Date: March 7, 2013
 Time: 1:30 p.m.
 Courtroom: 5
 Judge: Hon. Edward M. Chen

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ORDER

The Court having considered all pleadings and papers submitted by the parties regarding the Zurich Defendants' Objection to and Request to Strike New Evidence and Argument in Plaintiff's Reply To Defendant's Opposition to Motion to Remand or, in the Alternative, Request for Leave to File Sur-Reply, including Declarations and Exhibits, the materials on file with the Court, and finding that Plaintiff has presented new evidence and arguments in its Reply to Defendants' Opposition to Motion to Remand,

IT IS HEREBY ORDERED that:

- ~~(a) The Zurich Defendants' Motion is GRANTED;~~
- ~~(b) The Declaration of John Piccetti in Support of Plaintiff's Reply to Defendants' Opposition to Motion to Remand is stricken; and~~
- ~~(c) The Declaration of Josephine Lo, and all attached exhibits, in Support of Plaintiff's Reply to Defendants' Opposition to Motion to Remand is stricken;~~

or in the alternative,

- (a) The Zurich Defendants are granted leave to file a sur-reply to respond to the new evidence and arguments raised in Plaintiff's Reply to Defendants' Opposition to Motion to Remand; and
- (b) The Zurich Defendants' sur-reply is to be filed by March 7, 2013.
- (c) The motion hearing is reset from March 7, 2013 to March 14, 2013 at 1:30 p.m.

IT SO ORDERED,

Dated: 2/28, 2013

