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6 Attorneys for Defendant
 KFx MEDICAL CORPORATION

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 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN FRANCISCO DIVISION**

12 TRAVELERS PROPERTY CASUALTY)
 COMPANY OF AMERICA, a Connecticut)
 13 corporation,)

14 Plaintiff,)

15 vs.)

16 KFx MEDICAL CORPORATION,)
 a Delaware corporation,)

17 Defendant.)
 18)
 19)

Case No. 13-cv-00710-JSW

Hon. Jeffrey S. White

**STIPULATION AND ~~PROPOSED~~ ORDER
 TO MODIFY BRIEFING SCHEDULE ON
 KFx' REPLY ON ITS MOTION TO
 DISMISS**

20 Plaintiff Travelers Property Casualty Company of America ("Travelers"), on the one hand,
 21 and Defendant KFx Medical Corporation ("KFx"), on the other hand, by and through their respective
 22 counsel, hereby stipulate and agree to the following subject to the approval of the Court.

23 WHEREAS, KFx seeks to file the Reply on its Motion to Dismiss on April 26, 2013 which is
 24 the same date its Opposition is due on Travelers' Amended Motion for Summary Judgment ("MSJ")
 25 filed on April 12, 2013 [Docket No. 28]. Currently KFx is due to file its Reply on April 18, 2013
 26 and its Opposition on April 26, 2013;

27 WHEREAS KFx believes that similar arguments will likely be made in both filings because
 28 the parties' motions raise similar issues, Travelers' duty to defend an underlying case, albeit in

1 motions filed under two different rules. The argument would likely be simplified with less
2 redundancy if both motions are addressed at the same time. Potentially the arguments can be made
3 in a single combined brief; and

4 WHEREAS, this change in KFx' Reply date will not affect any filing of Travelers; its Reply
5 on its MSJ will remain as presently set for May 3, 2013.

6 NOW THEREFORE, subject to the approval of the Court the parties stipulate and agree that:

7 The Reply date on KFx' Motion to Dismiss shall be continued from April 18, 2013 to April
8 26, 2013, the same date as its Opposition is due on Travelers' cross motion for summary judgment.

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10 Dated: April 16, 2013

GAUNTLETT & ASSOCIATES

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12 By: /s/ James A. Lowe
David A. Gauntlett
James A. Lowe

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14 Attorneys for Defendant
KFx MEDICAL CORPORATION

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16 Dated: April 16, 2013

SEDGWICK, LLP

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18 By: /s/ Bruce D. Celebrezze
Bruce D. Celebrezze
Dean J. McElroy

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20 Attorneys for Plaintiff
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA

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22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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24 Dated: April 17, 2013


UNITED STATES DISTRICT JUDGE