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6 Attorneys for Defendant
NAUTILUS INSURANCE COMPANY
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 ST. PAUL MERCURY INSURANCE
COMPANY,

12 Plaintiff,

13 v.

14 AMERICAN SAFETY INDEMNITY
15 COMPANY, et al.,

16 Defendants.
17
18
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CASE NO. CV-13-1082 EMC

STIPULATION TO EXTEND NAUTILUS
INSURANCE COMPANY'S TIME TO FILE
ANSWER TO FIRST AMENDED COMPLAINT
(L.R.6-1(b) and 6-2)

Complaint Filed : 03/08/13
FAC Filed : 06/13/13

20 Pursuant to Civil Local Rules 6-1(b) and 6-2 Defendant
21 NAUTILUS INSURANCE COMPANY ("Nautilus") and Plaintiff ST. PAUL
22 MERCURY INSURANCE COMPANY ("St. Paul"), by and through their
23 attorneys, hereby stipulate to extend Nautilus's time to respond
24 to the First Amended Complaint until 14 days after the Court's
25 ruling on Nautilus's anticipated Motion to Dismiss and Motion to
26 Strike portions of St. Paul's First Amended Complaint, should the
27 motions be denied.

28 WHEREAS, the Complaint was filed on March 8, 2013 and served

1 on Nautilus on March 28, 2013.

2 WHEREAS, the original deadline for Nautilus to respond to
3 the Complaint was April 18, 2013.

4 WHEREAS, as permitted by Local Rule 6-1(a), Nautilus and St.
5 Paul stipulated to extensions for Nautilus to respond to St.
6 Paul's Complaint, such that Nautilus had up to and including May
7 23, 2013 to respond. See, Dkt. Nos. 15 and 44.

8 WHEREAS, on May 23, 2013, Nautilus filed its Motion to
9 Dismiss and Motion to Strike, along with its supporting papers.
10 See, Dkt. Nos. 65-67.

11 WHEREAS, on June 13, 2013, St. Paul filed its First Amended
12 Complaint. See, Dkt. No. 83.

13 WHEREAS, in light of the new pleadings alleged in St. Paul's
14 First Amended Complaint, Nautilus filed a Notice of Withdrawal of
15 its pending Motions to Dismiss and Strike, but reserved the right
16 to challenge St. Paul's First Amended Complaint on the same
17 and/or different grounds as those presented in its previously-
18 filed Motion to Dismiss and Motion to Strike. See, Dkt. No. 86.

19 WHEREAS, Nautilus and St. Paul have discussed the merits of
20 a second Motion to Dismiss and/or Strike, and must agree to
21 disagree as to whether St. Paul's First Amended Complaint cured
22 all of the issues identified in Nautilus's original Motion to
23 Dismiss and Motion to Strike. As such, Nautilus intends to file
24 a Motion(s) to Dismiss and/or Strike portions of St. Paul's First
25 Amended Complaint.

26 WHEREAS, F.R.C.P. Rule 15(a)(3) would require that Nautilus
27 file an answer with its anticipated motions in order to avoid the
28

1 risk of default.

2 WHEREAS, as permitted by Local Rules 6-1(b) and 6-2,
3 Nautilus and St. Paul have stipulated that Nautilus's time to
4 file an answer to St. Paul's First Amended Complaint is extended
5 to 14 days after the ruling(s) on Nautilus's Motion(s) to Dismiss
6 and/or Strike, in the event such motions are denied.

7 WHEREAS, the Stipulation will not alter the date of any
8 event or deadline already fixed by Court Order, and it would not
9 modify the schedule for the case.

10 IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN COUNSEL AS
11 FOLLOWS:

12 Nautilus shall have 14 days after the Court's ruling on
13 Nautilus's anticipated Motion to Dismiss and Motion to Strike
14 portions of St. Paul's First Amended Complaint, should the
15 motions be denied, to respond to St. Paul's First Amended
16 Complaint.

17 IT IS SO STIPULATED:

18 DATED: June 26, 2013 SELMAN BREITMAN LLP

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By: /s/ Elisabeth M. D'Agostino
SHERYL W. LEICHENGER
ELISABETH M. D'AGOSTINO
Attorneys for Defendant
NAUTILUS INSURANCE COMPANY

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[SIGNATURES CONTINUE ON NEXT PAGE]

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DATED: June 26, 2013

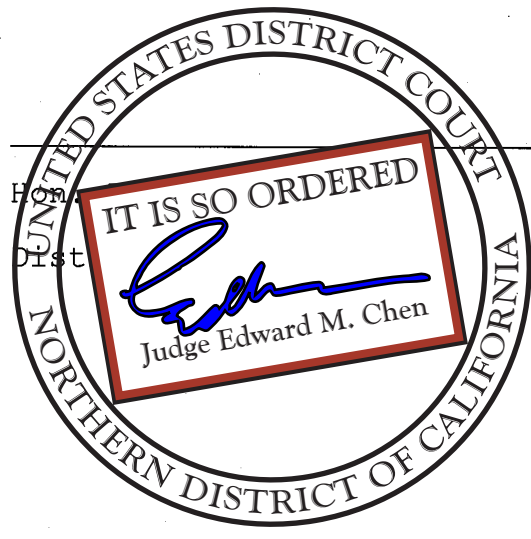
THE AGULIERA LAW GROUP, APLC

By: /s/ Kimberly R. Arnal
DANIEL ELI
KIMBERLY R. ARNAL
Attorneys for Plaintiff
ST. PAUL MERCURY INSURANCE
COMPANY

IT IS SO ORDERED:

7/2/13

Dated: _____



Selman Breitman LLP
ATTORNEYS AT LAW