

1 **THE AGUILERA LAW GROUP, APLC**

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10 ST. PAUL MERCURY INSURANCE COMPANY

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

13 ST. PAUL MERCURY INSURANCE
14 COMPANY, a Minnesota corporation

15 Plaintiff,

16 v.

17 AMERICAN SAFETY INDEMNITY
18 COMPANY, an Oklahoma corporation;
19 ARCH SPECIALTY INSURANCE
20 COMPANY, a Nebraska corporation;
21 FIRST SPECIALTY INSURANCE
22 CORPORATION, a Missouri
23 corporation; GOLDEN BEAR
24 INSURANCE COMPANY, a
25 California corporation; LAKES AT
26 FOUNTAINGROVE, LLC, a Delaware
27 limited liability company;
28 LEXINGTON INSURANCE
COMPANY, a Delaware corporation;
LIBERTY MUTUAL INSURANCE
COMPANY, a Massachusetts
corporation; MT. HAWLEY
INSURANCE COMPANY, an Illinois
corporation; NATIONAL UNION
FIRE INSURANCE COMPANY OF
PITTSBURGH, PA., a Pennsylvania
corporation; NAUTILUS
INSURANCE COMPANY, an Arizona
corporation; NORTHERN

Case No. 3:13-cv-01082 EMC
[Hon. Edward M. Chen]

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE
SEPTEMBER 3, 2015 STATUS
CONFERENCE**

1 INSURANCE COMPANY OF NEW
2 YORK, a New York corporation;
3 PROBUILDERS SPECIALTY
4 INSURANCE COMPANY, RRG, A
5 RISK RETENTION GROUP, a District
6 of Colombia corporation; STRS OHIO
7 CA REAL ESTATE INVESTMENT I,
8 LLC, a Delaware limited liability
9 company; TRP-SANTA ROSA 103
10 LAKES, LLC, a California limited
11 liability company; ZURICH
12 AMERICAN INSURANCE
13 COMPANY, a New York corporation;
14 and DOES 1-1000, inclusive.

15 Defendants.

16 **WHEREAS**, a Status Conference is set in this matter for September 3, 2015 at
17 10:30 a.m. in Courtroom 5, 17th Floor, San Francisco before the Honorable Edward
18 M. Chen (Dckt No. 175);

19 **WHEREAS**, Plaintiff St. Paul Mercury Insurance Company (“St. Paul”) has
20 dismissed defendants Arch Specialty Insurance Company, American Safety
21 Indemnity Company, First Specialty Insurance Corporation, Golden Bear Insurance
22 Company, Nautilus Insurance Company, Northern Insurance Company of New York,
23 and Zurich American Insurance Company; and

24 **WHEREAS**, Mt. Hawley Insurance Company (“Mt. Hawley”) and Lexington
25 Insurance Company (“Lexington”) are the only remaining defendants who have
26 appeared in this action who have not been dismissed;

27 **WHEREAS**, Mt. Hawley and Lexington have reached a settlement with St.
28 Paul that will result in a dismissal of the present action in its entirety; and

WHEREAS, St. Paul and Mt. Hawley have finalized their written settlement
agreement to resolve their dispute which will become final once the agreement is
fully executed and funded; and

WHEREAS, St. Paul and Lexington have drafted a proposed settlement
agreement and anticipate that a settlement agreement will be finalized and funded and
a Stipulation re Dismissal will be filed in the next 45 days;

1 **IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN**
2 Plaintiff St. Paul and Defendants Mt. Hawley and Lexington, by and through their
3 designated counsel, that the current Status Conference set for September 3, 2015 be
4 rescheduled to October 15, 2015.

5
6 DATED: September 1, 2015 **THE AGUILERA LAW GROUP, APLC**

7
8 By: Kimberly R. Arnal
9 A. Eric Aguilera
10 Kimberly R. Arnal
11 Attorneys for Plaintiff,
12 ST. PAUL MERCURY INSURANCE GROUP

13 DATED: September 1, 2015 **SELVIN WRAITH HALMAN LLP**

14
15 By: /s/ Gary R. Selvin (Auth. on 9-1-15)
16 Gary R. Selvin
17 Attorneys for Defendant LEXINGTON
18 INSURANCE COMPANY

19 DATED: September 1, 2015 **MORISON & PROUGH, LLP**

20
21 By: /s/ Michael Prough (Auth. on 9-1-15)
22 Michael Prough
23 Attorneys for Defendant
24 MT. HAWLEY INSURANCE COMPANY

25 [~~PROPOSED~~] ORDER

26 PURSUANT TO STIPULATION, IT IS SO ORDERED

27 DATED: 9/1/15

28 _____
 Honorable Edward M. Chen



