

1 **THE AGUILERA LAW GROUP, APLC**

2 A. Eric Aguilera (SBN 192390)
3 Kimberly R. Arnal (SBN 200448)
4 650 Town Center Drive, Suite 100
5 Costa Mesa, CA 92626
6 T: 714.384.6600 / F: 714.384-6601
7 eaguilera@aguileragroup.com
8 karnal@aguileragroup.com

9 Attorneys for Plaintiff
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 VACATE TRIAL DATE**

(modified)

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.

Defendants.

10 **WHEREAS**, Plaintiff St. Paul Mercury Insurance Company (“St. Paul”) has
11 dismissed defendants Arch Specialty Insurance Company, American Safety
12 Indemnity Company, First Specialty Insurance Corporation, Golden Bear Insurance
13 Company, Nautilus Insurance Company, Northern Insurance Company of New York,
14 and Zurich American Insurance Company; and

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

18 **WHEREAS**, St. Paul and Mt. Hawley have executed an agreement to resolve
19 their dispute which will become final once the agreement is funded; and

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

23 //

24 //

25 //

26 //

27 //

28 //

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the age
4 of 18 and not a party to the within action; my business address is 444 S. Flower St.,
5 Ste. 2300, Los Angeles, California 90071. On September 10, 2015, I served the
documents named below on the parties in this action as follows:

6 DOCUMENT(S) SERVED: **STIPULATION AND [PROPOSED] ORDER**
7 **TO VACATE TRIAL DATE**

8
9 SERVED UPON: **SEE ATTACHED SERVICE LIST**

10
11 **BY U.S. MAIL**

12 *I deposited such envelope in the mail at Los Angeles, California. The envelope
was mailed with postage thereon fully prepaid.

13 As follows: I am "readily familiar" with the firm's practice of collection and
14 processing correspondence for mailing. Under the practice it would be deposited with
U.S. postal service on that same day with postage thereon fully prepaid at Los
15 Angeles, California in the ordinary course of business. I am aware that on motion of
the party served, service is presumed invalid if postal cancellation date or postage
16 date is more than 1 day after date of deposit for mailing in affidavit.

17 **BY ELECTRONIC SERVICE VIA ECF** I transmitted a true copy of the above
entitled document(s) to CM/ECF for filing and service on all parties.

18 (State) I declare under penalty of perjury under the laws of the State of California
19 that the above is true and correct.

20 (Federal) I declare that I am employed in the office of a member of the bar of this
court at whose direction the service was made.

21 Executed on September 10, 2015 at Los Angeles, California.

22
23 _____/s/ Judy Jaramillo

24 Judy Jaramillo
25
26
27
28