

1 Hillary Arrow Booth (SBN 125936)  
 hbooth@boothllp.com  
 2 Ian P. Culver (SBN 245106)  
 iculver@boothllp.com  
 3 BOOTH LLP  
 12100 Wilshire Blvd., Suite 800  
 4 Los Angeles, CA 90025  
 Telephone: (310) 641-1800  
 5 Facsimile: (310) 641-1818

6 Attorneys for Defendant  
 UPS GROUND FREIGHT, INC.  
 7 dba UPS FREIGHT

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11 INDEMNITY INSURANCE COMPANY OF  
 NORTH AMERICA, a corporation,

13 Plaintiff,

14 v.

15 UPS GROUND FREIGHT, INC. dba  
 16 UPS FREIGHT, a corporation,

17 Defendant.

Case No. 12-cv-06440-SI  
 Related Case: 13-cv-01088-SI

District Judge Susan Illston

**JOINT STIPULATION AND ~~[PROPOSED]~~  
 ORDER FOR TRANSFER**

[N.D. Cal. L.R. 3-14, 7-12]

Case Filed: December 20, 2012  
 Trial Date: None Set

21 Defendant UPS Ground Freight, Inc. dba UPS Freight (“Defendant”) and Plaintiff  
 22 Indemnity Insurance Company of North America (“Plaintiff”) jointly and through their counsel  
 23 stipulate as follows:

24 **WHEREAS** Defendant has moved for an order dismissing or transferring these  
 25 actions, the hearing on such motion to take place on June 21, 2013;

26 **WHEREAS** Plaintiff has filed an opposition to the above-referenced motion;  
 27  
 28

1                   **WHEREAS** Plaintiff contends there is a nexus with New Jersey because the  
2 Plaintiff's subrogee, GE, is headquartered in New Jersey, and Defendant does not dispute that  
3 contention;

4                   **WHEREAS** in the interest of economy and the convenience of witnesses,  
5 Plaintiff and Defendant now desire that the case be transferred to the United States District Court  
6 for the District of New Jersey – Newark,

7                   **THEREFORE** the parties stipulate as follows:

8                   1.       Case No. 12-cv-06440-SI and Related Case 13-cv-01088-SI are transferred from  
9 the United States District Court for the Northern District of California to the United States District Court  
10 for the District of New Jersey – Newark;

11                   2.       Defendant's motion to dismiss/transfer is hereby withdrawn, and Defendant agrees not to  
12 contest venue in the United States District Court for the District of New Jersey – Newark;

13                   3.       The Clerk of the Court shall address and take the necessary actions pursuant to this Order  
14 to effectuate the transfer of the entire case and case file in the matters entitled, Indemnity Insurance  
15 Company of North America v. UPS Ground Freight, Inc. d/b/a UPS Freight, Civil Action No. 12-cv-6440  
16 and the related case, Indemnity Ins. Co. v. UPS Ground Freight, Civil Action No. 13-cv-1088, from the  
17 United States District Court for the Northern District of California to the United States District Court for  
18 the District of New Jersey – Newark; and

19                   4.       All further proceedings in this case and the related case are vacated and, upon successful  
20 transfer, such cases are closed.

21  
22                   **IT IS SO STIPULATED.**

23  
24 DATED: June 7, 2013

BOOTH LLP

25  
26 By: /s/ Hillary Arrow Booth  
27       Hillary Arrow Booth  
28       Ian P. Culver  
      Attorneys for Defendant

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28


DATED: June 7, 2013

GIBSON ROBB & LINDH LLP

By: /s/ Joshua A. Southwick  
G. Geoffrey Robb  
Joshua A. Southwick  
Attorneys for Plaintiff  
Mr. Southwick has authorized this filing.

**PURSUANT TO THE STIPULATION, IT IS SO ORDERED.**

DATED: 6/11/13

  
\_\_\_\_\_  
United States District Judge