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 Chartis Specialty Insurance Company

14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**

17 CHARTIS SPECIALTY  
 18 INSURANCE COMPANY, an Illinois  
 19 corporation, for itself and as subrogee  
 20 of Whittaker Corporation; and  
 WHITTAKER CORPORATION, a  
 Delaware corporation,  
 21 Plaintiffs,  
 22 vs.  
 23 UNITED STATES OF AMERICA,  
 24 Defendant.

Case No. CV 13-01527 EMC  
**[PROPOSED] ORDER RE  
 JOINT STIPULATION RE  
 PLAINTIFFS' AMENDED  
 COMPLAINT AND  
 DEFENDANT'S MOTION TO  
 DISMISS**

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1 The Court has considered the Parties' **JOINT STIPULATION RE**  
2 **PLAINTIFFS' AMENDED COMPLAINT AND DEFENDANT'S**  
3 **MOTION TO DISMISS** and, finding good cause, hereby enters the following  
4 Order pursuant to Local Rule 7-12:

5 A. Plaintiffs' Amended Complaint

- 6 a. Pursuant to Federal Rule of Civil Procedure 15(a)(2), Plaintiffs  
7 shall file an Amended Complaint to clarify Chartis Specialty  
8 Insurance Company's ("Chartis") direct claim under CERCLA  
9 section 107 and to add, in the alternative, a claim under CERCLA  
10 section 112. Whittaker Corporation ("Whittaker") shall not  
11 amend its claims in the Amended Complaint, except that Chartis  
12 and Whittaker shall not include the CERCLA section 113 claims  
13 that were previously dismissed without prejudice. The United  
14 States' consent to Plaintiffs' Amended Complaint shall not be  
15 construed as an admission that the United States agrees that any  
16 of Plaintiffs' claims or proposed claims are legally valid, and  
17 shall not prejudice the United States' rights to oppose such claims  
18 in future proceedings.
- 19 b. Plaintiffs' Amended Complaint shall be filed within five (5) days  
20 of the entry of this Order.
- 21 c. The United States shall answer or otherwise respond to Plaintiffs'  
22 Amended Complaint within fourteen (14) days of the filing of the  
23 Plaintiffs' Amended Complaint.

24 IT IS SO ORDERED.

25 DATED: April 18, 2013

