

United States District Court
 For the Northern District of California

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

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

NAVIGATORS SPECIALTY INSURANCE COMPANY,)	Case No. 13-cv-03499 SC
)	
Plaintiff,)	ORDER REGARDING SUPPLEMENTAL BRIEFING FOR DEFENDANT ST. PAUL'S MOTION FOR SUMMARY JUDGMENT AND EXTENDING THE <u>EXPERT DISCLOSURE DEADLINE</u>
v.)	
)	
ST. PAUL SURPLUS LINES INSURANCE COMPANY, LIBERTY SURPLUS INSURANCE CORPORATION, TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA, NORTH AMERICAN CAPACITY INSURANCE COMPANY, and DOES 1 through 100, inclusive,)	
)	
Defendants.)	

Now before the Court is Defendants St. Paul Surplus Lines Insurance Company ("St. Paul") and Travelers Property Casualty Company of America's ("Travelers") motion for summary judgment. ECF No. 69. Plaintiff Navigators Specialty Insurance Company's ("Navigators") theory of St. Paul's liability hinges on the status of St. Paul's insurance broker, California Financial, as St. Paul's agent.

On February 24, 2015, the Court granted Navigators request to continue the summary judgment motion pending additional discovery regarding California Financial's status as St. Paul's agent. ECF.

1 No. 86. On May 14, 2015, the Court ordered the parties to meet and
2 confer and file a joint statement explaining the status of
3 Defendants' original motion for summary judgment (ECF No. 69),
4 including (1) whether and how the dismissal of Defendant Travelers
5 (ECF Nos. 88, 89) affects the motion; (2) whether and how the
6 intervening cross-motions for summary judgment regarding Defendant
7 North American Capacity Insurance Company's ("NAC") duty to defend
8 (ECF Nos. 90, 93) affect the original summary judgment motion; (3)
9 an update on the status of the additional discovery that Navigators
10 requested; and (4) a proposed supplemental briefing schedule for
11 the original summary judgment motion that permits the parties to
12 fairly and adequately address the new discovery. ECF No. 95.

13 Pursuant to the Court's order, Navigators and St. Paul met and
14 conferred and filed a joint status update report. ECF No. 97.
15 Their joint report responded to the four requests in the Court's
16 May 14 Order as follows: First, given Navigators' dismissal of
17 Travelers (ECF No. 89), the court no longer has to rule on the
18 motion for summary judgment (ECF No. 69) as it pertains to
19 Travelers, but the Court should still rule on the remaining portion
20 of the motion filed by St. Paul. Second, the intervening cross-
21 motions for summary judgment filed by Defendant NAC and Plaintiff
22 Navigators (ECF Nos. 90 and 93) do not affect the original motion
23 for summary judgment filed by Defendants Travelers and St. Paul
24 (ECF No. 69). Third, the additional discovery that plaintiff
25 requested is complete, including the deposition of Linda Friedlin
26 and the production of documents from Crouse & Associates. Fourth,
27 if the Court grants supplemental briefing, the parties suggest that
28 Navigators' supplemental brief be due no later than two weeks from

1 the date of the court's order requiring such briefing; and St.
2 Paul's reply be due no later than two weeks from the date of the
3 filing of Navigators' supplemental brief.

4 Navigators believes that supplemental briefing is necessary to
5 address the deposition testimony of Linda Friedlin. St. Paul does
6 not believe that supplemental briefing is necessary. In its
7 earlier order, the Court granted Navigator's request for additional
8 discovery because St. Paul's motion for summary judgment turned, in
9 part, on whether California Financial acted as St. Paul's agent.
10 ECF No. 86. Now that discovery on this important issue is
11 complete, supplemental briefing is appropriate so that the Court
12 can make a fully informed ruling.

13 Plaintiff Navigators is hereby ORDERED to submit to the Court
14 a supplemental brief of not more than five (5) pages explaining how
15 the facts uncovered in Ms. Friedlin's deposition affect the issue
16 of whether California Financial acted as St. Paul's agent.
17 Navigators shall submit their brief within seven (7) days of the
18 signature date of this Order. St. Paul may submit a supplemental
19 brief on this issue of not more than five (5) pages within seven
20 (7) days of Navigators' submission.

21 The parties also request in their joint report that the Court
22 extend the expert disclosure deadline by thirty (30) days after the
23 Court's ruling on St. Paul's motion for summary judgment. The
24 parties request an extension of the deadline because the scope of
25 the Court's ruling on the motion for summary judgment could affect
26 which experts the parties ultimately decide to disclose. The
27 parties' request to extend the expert disclosure deadline by thirty
28 (30)days after the Court's ruling on St. Paul's motion for summary

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

judgment is granted.

IT IS SO ORDERED.

Dated: May

