

1 Brandt L. Wolkin, Esq., SBN 112220
 Dawn A. Silberstein, Esq., SBN 167936
 2 Jennifer L. Elowsky, Esq., SBN 230739
 WOLKIN · CURRAN, LLP
 3 555 Montgomery Street, Suite 1100
 San Francisco, California 94111
 4 Telephone: (415) 982-9390
 Facsimile: (415) 982-4328

5 Attorneys for Plaintiff,
 6 NAVIGATORS SPECIALTY INSURANCE COMPANY

7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10
 11 NAVIGATORS SPECIALTY INSURANCE
 COMPANY,

12 Plaintiff,

13 vs.
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15 ST. PAUL SURPLUS LINES INSURANCE
 16 COMPANY, LIBERTY SURPLUS INSURANCE
 CORPORATION, TRAVELERS PROPERTY
 17 CASUALTY COMPANY OF AMERICA,
 NORTH AMERICAN CAPACITY INSURANCE
 18 COMPANY. and DOES 1 through 100, inclusive,

19 Defendants.

Case No. 3:13-cv-03499 SC

**STIPULATION AND ~~PROPOSED~~
 ORDER: (1) EXTENDING DEADLINE
 FOR MEDIATION; (2) SETTING
 DEADLINE FOR INITIAL DISCLOSURE
 BY NEW PARTY; AND (3) CONTINUING
 CASE MANAGEMENT CONFERENCE**

IT IS SO ORDERED AS MODIFIED

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 22 Pursuant to Local Rule 16-9, the parties met and conferred and submitted a Proposed Joint
 23 Case Management Order on November 8, 2013. At that time, the parties contemplated the
 24 completion of mediation by April 15, 2014 and the completion of discovery and motion practice in
 25 May and June.

26 Subsequent to those dates being set, Plaintiff, NAVIGATORS SPECIALTY INSURANCE
 27 COMPANY (“NSIC”), reached a settlement of the underlying actions, on behalf of its insured,
 28 McDevitt & McDevitt. NSIC thereafter filed an amended complaint adding claims for

1.

1 reimbursement of the underlying settlement costs and also added TRAVELERS PROPERTY
2 CASUALTY COMPANY OF AMERICA (“Travelers”) as a new party to the action. As a result, the
3 parties stipulated to an order continuing the deadline to complete mediation from April 15, 2014 to
4 July 31, 2014, and continuing the case management conference from June 6, 2014 to August 22,
5 2014. The order approving the above stipulation was filed on April 16, 2014.

6 In the interim, NSIC filed a Third Amended Complaint naming NORTH AMERICAN
7 CAPACITY INSURANCE COMPANY (“NAC”) as a new defendant in the action. NAC filed its
8 answer and appeared in the action on July 25, 2014. However, NAC has not yet been able to comply
9 with its initial disclosure obligations as set forth in Local Rule 16-9 and FRCP 26, and the parties
10 have not been able to schedule the mediation or complete their discovery and motion practice in the
11 absence of all of the parties.

12 In light of the above, the parties hereby stipulate to the following revised deadlines:

13 **NAC’s Initial Disclosure Deadline:**

14 The deadline for NAC to comply with its initial disclosure obligations is extended to **August**
15 **15, 2014**, with its production of documents due **September 5, 2014**.

16 **Mediation Deadline:**

17 Private mediation will be completed by **December 24, 2014**.

18 **Disclosure of Expert Witnesses:**

19 Expert witness information will be exchanged in accordance with Federal Rules of Civil
20 Procedure Rule 26(a)(2)(D), within 90 days of the date set for trial. Rebuttal designation, if any, will
21 be exchanged within 30 days from the initial disclosure of expert witness information.

22 **Proposed Changes in Limits of Discovery:**

23 Any proposed changes regarding the limits of discovery will be completed by **October 13,**
24 **2014**.

25 **Pre-Trial Motions:**

26 Dispositive and non-dispositive pre-trial motions, exclusive of motions *in limine* or other trial
27 motions, will be filed no later than **60 days before trial**.

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Trial:

The parties propose that a trial date, to be convenient with the Court and all counsel and parties' calendars, be set no earlier than **April 30, 2015**.

Further Case Management Conference:

The Further Case Management Conference is continued to **January ~~16~~²³, 2015** at 10:00 a.m. in Courtroom 1, 17th Floor, San Francisco. The further Case Management Conference Statement is due **January ~~9~~¹⁶, 2015**.

Dated: August 12, 2014

WOLKIN • CURRAN, LLP

/s/ Dawn A. Silberstein

By: _____

Brandt L. Wolkin
Dawn A. Silberstein
Jennifer L. Elowsky

Attorneys for Plaintiff,
**NAVIGATORS SPECIALTY
INSURANCE COMPANY**

Dated: August 12, 2014

THE AGUILERA LAW GROUP

/s/ Thomas V. Perea

By: _____

Thomas V. Perea

Attorneys for Defendants,
**ST. PAUL SURPLUS LINES
INSURANCE COMPANY and TRAVELERS
PROPERTY CASUALTY COMPANY OF
AMERICA**

1 Dated: August 12, 2014

MCCORMICK BARSTOW, LLP

2
3 */s/ Timothy Sullivan*

4 By: _____
5 Patrick Fredette
6 Timothy Sullivan

7 Attorneys for Defendant,
8 **LIBERTY SURPLUS INSURANCE**
9 **CORPORATION**

10 Dated: August 12, 2014

GRIMM, VRANJES & GREER LLP

11 */s/ Matthew Morache*

12 By: _____
13 Mark Vranjes
14 Matthew Morache

15 Attorneys for Defendant,
16 **NORTH AMERICAN CAPACITY**
17 **INSURANCE COMPANY**

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~~PROPOSED~~ ORDER

The parties' stipulation is adopted and IT IS SO ORDERED AS MODIFIED.

Dated: 08/13/2013



The Honorable Senior Judge Samuel Conti,
United States District Court, Northern District of California