

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ESURANCE INSURANCE COMPANY,
Plaintiff,
v.
WESTCHESTER FIRE INSURANCE
COMPANY, et al.,
Defendants.

Case No. [15-cv-00862-RS](#)

**ORDER REGARDING DISPOSITIVE
MOTION BRIEFING SCHEDULES,
CONTINUANCE OF THE CASE
MANAGEMENT CONFERENCE, AND
EXPERT DISCOVERY DEADLINES**

The parties have submitted a proposed order regarding a revised briefing schedule for pending and future dispositive motions, discovery, and case management conferences. Recently, plaintiff Esurance Insurance Company filed a motion for leave to file a first amended complaint to seek punitive damages against defendant Steadfast Insurance Company and to eliminate claims for relief against defendant Westchester Fire Insurance Company. Westchester has agreed to allow Esurance to amend the complaint, whereas Steadfast has not. Esurance’s motion for leave to amend the complaint is scheduled to be heard on September 22, 2016.

Westchester has filed a motion for summary judgment, which is also currently scheduled to be heard on September 22, 2016. Esurance has indicated its intent to seek summary judgment against Westchester and Steadfast, and Steadfast also expects to file a motion for summary judgment. In addition, defendant William Gallagher Associates Insurance Brokers, Inc. (“WGA”), anticipates filing a motion of some sort in connection with any of the three expected motions for summary judgment, which Esurance plans to move to strike. Accordingly, the parties have

1 submitted a proposed briefing schedule intended the streamline the process of adjudicating the
2 motions for summary judgment, amendments to the existing discovery schedule, and have
3 requested moving the date of the next case management conference.

4 To streamline this case further, the parties are ordered to submit the motions for summary
5 judgment for consideration on the same date and shall proceed as follows:

- 6 1. Westchester’s motion for summary judgment is filed. The hearing on the motion is
7 continued to January 12, 2017 at 1:30 p.m.
- 8 2. Steadfast must file its motion for summary judgment by November 4, 2016.
- 9 3. Esurance must file an opposition brief to Westchester’s motion for summary judgment
10 and its cross-motion for summary judgment by December 1, 2016. The combined brief
11 may not exceed thirty-five (35) pages.
- 12 4. Esurance must file an opposition brief to Steadfast’s motion for summary judgment
13 and its cross-motion for summary judgment by December 1, 2016. The combined brief
14 may not exceed thirty-five (35) pages.
- 15 5. If WGA intends to file a brief related to either Westchester’s or Steadfast’s motions for
16 summary judgment, it must file such brief by December 1, 2016.
- 17 6. Esurance must file a response to WGA’s briefs by December 8, 2016.
- 18 7. Westchester must file an opposition to Esurance’s motion for summary judgment and
19 reply in support of its motion for summary judgment by December 15, 2016. The
20 combined brief may not exceed twenty-five (25) pages.
- 21 8. Steadfast must file an opposition to Esurance’s motion for summary judgment and
22 reply in support of its motion for summary judgment by December 15, 2016. The
23 combined brief may not exceed twenty-five (25) pages.
- 24 9. Westchester must file reply briefs in support of both of its motions for summary
25 judgment by December 22, 2016.
- 26 10. The hearing for all three motions for summary judgment will take place on January 12,
27 2017 at 1:30 p.m.

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11. The case management conference scheduled for October 27, 2016 will be continued until January 26, 2017, and held telephonically at 11:00 a.m.

The disclosure and discovery of expert witnesses will proceed as follows:

1. On or before January 9, 2017, the parties will designate expert witnesses in accordance with Federal Rule of Civil Procedure 26(a)(2).
2. On or before February 6, 2017, the parties will designate their supplemental and rebuttal experts.
3. On or before March 30, 2017, all discovery of expert witnesses shall be completed.

The deposition of non-party witness Jeff Yocom may be taken on or before December 31, 2016, and the deadline to complete non-expert discovery is extended to that date solely for the completion of his deposition.

The parties should remember, absent a showing of good cause, each party may file only one motion for summary judgment.

Esurance's motion for leave to file an amended complaint will be heard on September 22, 2016 at 1:30 p.m.

IT IS SO ORDERED.

Dated: August 29, 2016



RICHARD SEEBORG
United States District Judge