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20 COMPANY OF HANNOVER, SE

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT CALIFORNIA

23 WESTGATE PETROLEUM COMPANY,
24 INC., d/b/a Helms Petroleum,

25 Plaintiff,

26 v.

27 INTERNATIONAL INSURANCE
28 COMPANY OF HANNOVER, SE, etc.,

Defendant.

Case No: 3:16-cv-00115-WHA

**STIPULATION GRANTING PLAINTIFF
LEAVE TO AMEND COMPLAINT AND
GRANTING LEAVE TO FILE CROSS-
CLAIM TO ADD ZURICH AMERICAN
INSURANCE COMPANY AS PARTY;
~~PROPOSED~~ ORDER THEREON**

Pursuant to Local Rule 7-12, the parties hereto by and through their respective counsel of record hereby stipulate and agree that Plaintiff WESTGATE PETROLEUM COMPANY, INC., d/b/a Helms Petroleum (“WESTGATE”) shall be granted leave to file a First Amended Complaint adding Zurich American Insurance Company (“ZURICH”) as a defendant to its

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1 Complaint and that Defendant INTERNATIONAL INSURANCE COMPANY OF
2 HANNOVER, SE (“INTERNATIONAL”) shall be granted leave to file a Cross-Claim against
3 ZURICH seeking contribution, indemnity and subrogation for amounts it has or may be
4 obligated to pay to WESTGATE.

5 Good cause exist for this stipulation since counsel for the parties have just recently
6 learned through third party discovery that Zurich provided auto and commercial general liability
7 insurance to WESTGATE as an additional insured under a policy issued to the trucking
8 company which was unloading the gasoline at WESTGATE’S facility which caught fire and
9 which fire is the loss that is the subject this coverage action. On information and belief,
10 ZURICH is a New York corporation which maintains its principal place of business in
11 Schaumburg, Illinois, so its presence as a defendant will not destroy diversity jurisdiction.
12 Pursuant to the operative scheduling order in this case, the parties can seek leave to amend their
13 pleadings and add parties by July 29, 2016.

14 Dated: July 22, 2016 PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP
15
16 By /s/ R. Scott Erlewine
17 R. Scott Erlewine
18 Attorneys for Plaintiff

19 Dated: July 22, 2016 CHAMBERLIN & KEASTER
20
21 By /s/
22 Robert W. Keaster
23 Attorneys for Defendant

24 **ATTESTATION**

25 I, R. Scott Erlewine, am the ECF user whose identification and password is being used to
26 file the instant document. Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that all counsel
27 whose electronic signatures appear above provided their authority and concurrence to file this
28 document.

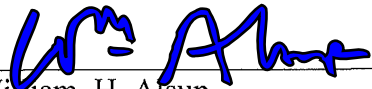
/s/ R. Scott Erlewine
R. Scott Erlewine

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ORDER

Pursuant to the stipulation of the parties and good cause appearing therefor, IT IS
HEREBY ORDERED that plaintiff may file an amended complaint adding Zurich American
Insurance Company as a defendant in this action and that defendant may file a cross-claim
adding Zurich American Insurance Company as a cross-defendant to this action.

DATED: July 25, 2016.



Hon. William H. Alsup
United States District Judge

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