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 7 ARCH INSURANCE COMPANY

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

11 CENTURION REAL ESTATE PARTNERS, )  
 12 LLC; CENTURION REAL ESTATE )  
 INVESTORS IV, LLC; MISSION PLACE, )  
 13 LLC; AMERICAN GUARANTEE & )  
 LIABILITY INSURANCE COMPANY; )  
 14 ZURICH AMERICAN INSURANCE )  
 COMPANY; WESTCHESTER SURPLUS )  
 15 LINES INSURANCE COMPANY, )  
 )  
 16 Plaintiffs, )  
 )  
 17 vs. )  
 )  
 18 ARCH INSURANCE COMPANY, )  
 )  
 19 Defendant. )  
 )  
 20 )  
 21 )  
 22 )

Case No. 3:16-cv-00218-VC  
**STIPULATION AND ~~PROPOSED~~ ORDER  
 TO CONTINUE SUMMARY JUDGMENT  
 MOTION HEARING DEADLINE AND  
 DISCOVERY CUT-OFF DATES  
 AS MODIFIED**

1 Pursuant to Local Rule 6-2, Plaintiffs Centurion Real Estate Partners, LLC, Centurion  
2 Real Estate Investors IV, LLC, Mission Place, LLC, American Guarantee & Liability Insurance  
3 Company, Zurich American Insurance Company and Westchester Surplus Lines Insurance  
4 Company (collectively the “Plaintiffs”) and Defendant Arch Insurance Company (“Defendant”)  
5 (collectively the “Parties”), by and through their respective counsel of record, hereby stipulate as  
6 follows:

7 **RECITALS**

8 1. On April 12, 2016, this Court issued a minute order which set the following  
9 litigation deadlines:

10        • September 2, 2016 - discovery cutoff for issues of the duty to defend and  
11        indemnify;

12        • September 2, 2016 - expert discovery cutoff; and

13        • October 20, 2016 – motion for summary judgment deadline regarding the duty to  
14        defend and indemnify.

15 2. The minute order issued by this Court on April 12, 2016, was the first order  
16 issued in this case setting litigation deadlines, and the instant stipulation is the first request by the  
17 Parties to extend these deadlines.

18 3. The Court has not yet set a trial date in this matter.

19 4. On May 10, 2016, this Court entered an order adopting the Parties’ stipulation to  
20 complete private mediation by November 6, 2016, which falls after the current summary  
21 judgment hearing deadline (October 20, 2016).

22 5. The Parties are actively engaged in settlement discussions, with each Party having  
23 already exchanged settlement positions supported by law and fact. Plaintiffs have provided Arch  
24 with a formal settlement demand and Arch is in the process of responding . Further, the Parties  
25 are currently in discussions to schedule a private mediation in the short term.

26 6. The Parties have completed disclosures and are now engaged in written discovery.  
27  
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1 Plaintiffs have determined that there are over 100 gigabytes (one million pages) worth of  
2 potentially relevant documents relating to the underlying liability action, which was litigated  
3 over the course of 10 years. The Parties recognize that substantial time and resources will have  
4 to be devoted written and document discovery in order to reach resolution, and even more so if  
5 this litigation proceeds to dispositive motions or trial.

6 7. The Parties agree that a 60-day continuance of the discovery cut-off dates and  
7 motion for summary judgment deadline will allow the Parties sufficient time to evaluate the  
8 voluminous documentary evidence to finalize their respective settlement positions, will afford  
9 the Parties sufficient time to evaluate voluminous documentary evidence to define expert  
10 witnesses, will allow the Parties sufficient time to complete discovery, will allow the Parties to  
11 defer significant costs, which, in turn, will increase the prospects of settlement at this stage in the  
12 litigation, will not adversely impact trial scheduling in this case, and will help will serve the  
13 interests of judicial economy, and will potentially conserve Party and Court resources.

14 **STIPULATION**

15 NOW, THEREFORE, the Parties hereby stipulate and agree, through their respective  
16 counsel, as follows:

- 17 1. The discovery cutoff for issues of the duty to defend and indemnity is extended to  
18 November 1, 2016.
- 19 2. The expert discovery cutoff is extended to November 1, 2016.
- 20 3. The deadline for hearings on motions for summary adjudication on the duty to  
21 defend or indemnify is extended to December <sup>15</sup>~~20~~, 2016.

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**IT IS SO STIPULATED**

Dated: July 29, 2016

/s/ Nicholas P. Honkamp

NICHOLAS P. HONKAMP  
Attorney for Defendant  
ARCH INSURANCE  
COMPANY

Dated: July 29, 2016

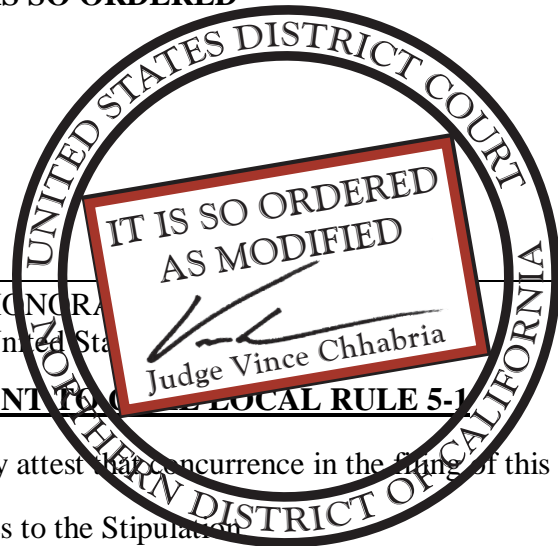
/s/ Christine Fierro

CHRISTINE FIERRO  
Attorney for Plaintiffs

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

Dated: August 2, 2016

HONORABLE  
United States



**ATTESTATION PURSUANT TO LOCAL RULE 5-1**

Pursuant to Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this Stipulation has been obtained from all signatories to the Stipulation.

Dated: July 29, 2016

/s/ Nicholas P. Honkamp

NICHOLAS P. HONKAMP  
Attorney for Defendant  
ARCH INSURANCE  
COMPANY