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5 Attorneys for Defendant and Third-Party Claimant  
 EVANSTON INSURANCE COMPANY  
 6

7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10 ST. PAUL FIRE & MARINE INS. CO., )

No. C08-05705 PJH

11 Plaintiff, )

STIPULATION AND [~~PROPOSED~~] ORDER  
RE STAY

12 vs. )

13 EVANSTON INSURANCE COMPANY, )

14 Defendants. )

15 AND RELATED COUNTER-CLAIM  
 16 AND THIRD-PARTY CLAIM.  
 17

18  
 19 STIPULATION

20 WHEREAS, the above-captioned case is an equitable action between insurance carriers  
 21 regarding the responsibility for and allocation of defense fees and costs incurred on behalf of two  
 22 common insureds, the Olympic Club and Plant Construction, in an underlying action entitled,  
 23 Academy of Art University, et al., v. San Francisco Olympic Club, et al., Superior Court of  
 24 California, City and County of San Francisco, Case No. CGC-03-427640 (the "Underlying Action");

25 WHEREAS, the Court in the Underlying Action has awarded fees and costs in favor of the  
 26 Olympic Club and Plant and against the underlying plaintiffs;

27 WHEREAS, the plaintiffs in the Underlying Action had indicated that they would appeal the  
 28 award of fees and costs;

Stipulation Re Stay

1           WHEREAS, the parties in the Underlying Action have negotiated a settlement in principle  
2 that might allow the parties in the above-captioned action to amicably resolve their disputes and  
3 dismiss their claims;

4           WHEREAS, the parties to the above-captioned action do not wish to unnecessarily incur fees  
5 and costs prosecuting and defending this action pending final resolution of the Underlying Action  
6 and while they explore a possible resolution of the above-captioned action that could result in a  
7 dismissal;

8           WHEREFORE, it is hereby STIPULATED that:


9           1.       This action be STAYED for 90 days to allow the parties in the Underlying Action to  
10 finalize their settlement and to allow the parties in the above-captioned action to explore a possible  
11 settlement;

12           2.       The Early Neutral Evaluation session pending before Michael Lee be CONTINUED  
13 until after the stay is lifted.

14           It is so STIPULATED:

15  
16 Dated: July 30, 2009

MORALES, FIERRO & REEVES

17  
18   
19 By: \_\_\_\_\_  
20 William C. Reeves

Attorneys for Plaintiff ST. PAUL FIRE &  
MARINE INSURANCE COMPANY

21 Dated: July \_\_, 2009

SINNOT DITO MOURA & PUEBLA

22  
23  
24 By: \_\_\_\_\_  
25 Stephen R. Wong

26 Attorneys for Third-Party Defendants  
27 STEADFAST INSURANCE COMPANY  
28 and ZURICH AMERICAN INSURANCE  
COMPANY

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16 Dated: July \_\_, 2009

MORALES, FIERRO & REEVES

17

18

By: \_\_\_\_\_  
William C. Reeves

19

20

Attorneys for Plaintiff ST. PAUL FIRE &  
MARINE INSURANCE COMPANY

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Dated: July 28, 2009

SINNOT DITO MOURA & PUEBLA

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23

By:   
\_\_\_\_\_

24

Stephen R. Wong

25

Attorneys for Third-Party Defendants  
STEADFAST INSURANCE COMPANY  
and ZURICH AMERICAN INSURANCE  
COMPANY


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1 Dated: July 28, 2009

MELENDEZ & ASSOCIATES

2  
3 By:   
4 Michael W. Melendez

5 Attorneys for Defendant and Third-Party  
6 Claimant EVANSTON INSURANCE  
7 COMPANY

8 ORDER

9 It is hereby ORDERED that:

10 1. This action is STAYED for 90 days to allow the parties in the Underlying Action to  
11 finalize their settlement and to allow the parties in the above-captioned action to explore a possible  
12 settlement; and

13 2. The Early Neutral Evaluation session pending before Michael Lee be CONTINUED  
14 until after the stay is lifted.

15  
16 Dated: 8/3/09

