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6 Attorneys for Defendant AMERICAN HOME
 ASSURANCE COMPANY

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 OAKLAND DIVISION
 11

12 WHAM-O, INC., a Delaware corporation,

13 Plaintiff,

14 v.

15 AMERICAN HOME ASSURANCE
 COMPANY, a New York corporation.

16 Defendant.
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CASE NO. C09-01408 SBA

STIPULATION OF THE PARTIES TO
 CONTINUE THE INITIAL CASE
 MANAGEMENT CONFERENCE AND
 INITIAL DISCLOSURES, AND TO STAY
 DISCOVERY; ORDER

Current CMC Date: July 15, 2009

TIME: 3:00 p.m.

Courtroom: 3

Hon. Sandra B. Armstrong

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 20 **STIPULATION**

21 TO THE COURT AND TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

22 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff WHAM-O, INC.

23 (“Wham-O”) and Defendant American Home Assurance Company (“AHAC”), by and through their
 24 respective counsel of record, as follows:
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1 WHEREAS, the parties have each filed motions, currently set for hearing on July 28, 2009,
2 which address the issue of duty to defend Wham-O in the underlying action, *Wham-O v. Manley Toys*,
3 USDC CD Cal. Case No. 08-CV-01281 (the “Underlying Action”), under the subject AHAC
4 insurance policy; and

5 WHEREAS, the Underlying Action is still being litigated; and

6 WHEREAS, the parties have met and conferred and believe that while their respective motions
7 are pending it is impractical, unnecessary, and potentially detrimental to their respective positions *vis-*
8 *a-vis* the underlying action, as well as for economical reasons, to engage in an initial disclosure
9 process, have an initial case management conference, or conduct any discovery at this time;

10 WHEREAS, this stipulation is without prejudice to the parties stipulating to, or either side
11 moving for, a further stay of all or part of this action pending resolution of the Underlying Action.

12 Accordingly, therefore,

13 IT IS HEREBY STIPULATED AND AGREED and the parties jointly request that the Court
14 continue the Initial Case Management Conference from the currently scheduled date of July 15, 2009,
15 to a date after the ruling on the parties’ currently pending cross-motions; and

16 IT IS FURTHER STIPULATED AND AGREED that the initial disclosures of the parties
17 under Rule 26(f) be deferred and continued from June 18, 2009 until after the ruling on the parties’
18 currently pending cross-motions; and

19 IT IS FURTHER STIPULATED AND AGREED that the Rule 26(f) Report and Case
20 Management Statement, currently due on July 2, 2009, be deferred and continued until after the ruling
21 on the parties’ currently pending cross-motions; and

22 IT IS FURTHER STIPULATED AND AGREED that discovery be stayed until after the ruling
23 on the parties’ currently pending cross-motions.

24 Dated: June 16, 2009

LAW OFFICES OF MICHAEL H. GRUBMAN

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By: /s/_____

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MICHAEL H. GRUBMAN, ESQ.
Attorneys for Plaintiff WHAM-O, INC.

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1 Dated: June 16, 2009

LEWIS BRISBOIS BISGAARD & SMITH LLP

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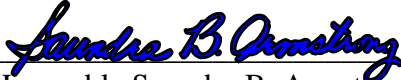
By: /s/
DOUGLAS R. IRVINE, ESQ.
Attorneys for Defendant AMERICAN HOME
ASSURANCE COMPANY

ORDER

Based upon the Stipulation of the parties, and good cause appearing therefore,
IT IS HEREBY ORDERED AS FOLLOWS:

1. The Initial Case Management Conference is continued from July 15, 2009 to **September 23, 2009 at 3:00 p.m.** The parties shall meet and confer prior to the conference and shall prepare a joint Case Management Conference Statement which shall be filed no later than ten (10) days prior to the Case Management Conference that complies with the Standing Order for All Judges of the Northern District of California and the Standing Order of this Court. Plaintiffs shall be responsible for filing the statement as well as for arranging the conference call. All parties shall be on the line and shall call (510) 637-3559 at the above indicated date and time.
2. The last day for the parties to meet and confer regarding initial disclosures and a discovery plan under Rule 16(f) is continued from June 18, 2009 to July 16, 2009.
3. The last day for the parties to file a Rule 26(f) Report, complete initial disclosures and file a Case Management Statement is continued from July 2, 2009 to July 30, 2009.
4. Discovery is stayed pending resolution of the parties' cross-motions presently scheduled for hearing on July 23, 2009

DATED: June 17, 2009


Honorable Sandra B. Armstrong
United States District Judge

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FEDERAL COURT PROOF OF SERVICE

Wham-O v. American Home - Our File No. 06234-7367

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to the action. My business address is 221 North Figueroa Street, Suite 1200, Los Angeles, CA 90012. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On June 16, 2009, I served the following document(s): STIPULATION OF THE PARTIES TO CONTINUE THE INITIAL CASE MANAGEMENT CONFERENCE AND INITIAL DISCLOSURES, AND TO STAY DISCOVERY UNTIL AFTER RULING ON PARTIES' CROSS-MOTIONS; ORDER [proposed]

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

Michael H. Grubman, Esq.
Law Offices of Michael H. Grubman
1990 No. California Blvd., Suite 1060
Walnut Creek, CA 94596
mhgrubman@aol.com

The documents were served by the following means:

(BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 16, 2009, at Los Angeles, California.

/s/ Rose Mary Arias
Rose Mary Arias