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11 Attorneys for Defendant and Third-Party Plaintiff
 12 TRAVELERS INDEMNITY COMPANY

13
 14 IN THE UNITED STATES DISTRICT COURT
 15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

17 MT. McKINLEY INSURANCE
 18 COMPANY, formerly known as Gibraltar
 19 Casualty Company, a corporation, and
 20 EVEREST REINSURANCE COMPANY,
 formerly known as Prudential Reinsurance
 Company, a corporation,

21 Plaintiffs,

22 v.

23 SWISS REINSURANCE AMERICA
 CORPORATION, a corporation, as
 24 successor in interest to policies issued by
 The Manhattan Fire & Marine Insurance
 Company; and THE TRAVELERS
 25 INDEMNITY COMPANY, a corporation,

26 Defendants.

Civil Case No.: C09-03857 CW

**STIPULATION AND ORDER TO
 EXTEND TIME TO RESPOND TO
 THIRD-PARTY COMPLAINT**

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1 TRAVELERS INDEMNITY COMPANY, a
2 corporation,

3 Third-Party Plaintiff,

4 v.

5 THE HERRICK CORPORATION, a
6 corporation,

7 Third-Party Defendant.

8 WHEREAS, Third-Party Plaintiff, Travelers Indemnity Company (“Travelers”),
9 filed its Third-Party Complaint for Contractual Indemnity, Equitable Indemnity and Declaratory
10 Relief (“Third-Party Complaint”) on September 24, 2009, in the United States District Court for
11 the Northern District of California;

12 WHEREAS, Travelers served the Summons on a Third-Party Complaint upon
13 Third-Party Defendant, The Herrick Corporation (“Herrick”), on September 29, 2009;

14 WHEREAS, Herrick’s deadline to answer or otherwise respond to the Third-
15 Party Complaint was October 19, 2009;

16 WHEREAS, the parties hereto, through their respective attorneys of record,
17 stipulated that Herrick’s deadline to answer or otherwise respond to the Third-Party Complaint
18 was extended up to and including November 18, 2009;

19 WHEREAS, the parties hereto, through their respective attorneys of record, have
20 been in discussions respecting approaches that may eliminate Herrick as a third-party defendant
21 in the above-captioned Third-Party Complaint;

22 WHEREAS, the parties hereto, through their respective attorneys of record,
23 stipulated that Herrick’s deadline to answer or otherwise respond to the Third-Party Complaint
24 was extended up to and including December 18, 2009;

25 WHEREAS, those discussions are continuing and the Insurers are currently
26 considering the extent to which Herrick's continued presence in the lawsuit is appropriate and
27 additional time would facilitate those discussions and, if successful, would lead to Herrick's
28 dismissal from this action;

