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 SWISS REINSURANCE AMERICA CORPORATION
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14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION**

16 MT. MCKINLEY INSURANCE COMPANY,
 et al.,
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 Plaintiff,
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 v.
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 SWISS REINSURANCE AMERICA
 20 CORPORATION,
 21
 Defendant.

CASE NO. C09-03857-CW
 The Honorable Claudia Wilken
**STIPULATION AND ORDER TO
 EXTEND DEADLINE FOR
 COMPLETION OF FACT DISCOVERY**

22 The parties, Plaintiffs Mt. McKinley Insurance Company and Everest Reinsurance
 23 Company (collectively “Plaintiffs”) and Defendant Swiss Reinsurance America Corporation
 24 (“Defendant”), by and through their respective counsel of record, hereby stipulate as follows and
 25 request that the Court enter an order extending the deadline for completion of fact discovery from
 26 July 23, 2010 to August 13, 2010:

27 1. On April 6, 2010, the Court held an initial Case Management Conference (“CMC”)
 28 in this case and entered a Minute Order and Case Management Order setting the deadline for

1 completion of fact discovery for July 23, 2010 (Dkt. No. 42) in accordance with the parties'
2 proposal as set forth in the parties' Updated Joint Case Management Statement (Dkt. No. 41).

3 2. Since the April 6, 2010 CMC, the parties have in good faith met and conferred
4 telephonically and over e-mail to discuss proposed fact and policy stipulations on which their
5 cross-motions for summary judgment may be based. The parties have exchanged and are still in
6 the process of exchanging drafts of proposed fact and policy stipulations.

7 3. The ADR Local Rule 5 early neutral evaluation ("ENE") session for this case is
8 currently set for June 30, 2010. On June 18, 2010, the parties exchanged ENE briefs.

9 4. The parties believe that a brief extension of the deadline to complete fact discovery
10 from July 23, 2010 to August 13, 2010 will provide the parties with sufficient time to continue
11 their good-faith negotiations over proposed fact and policy stipulations, but will not delay the
12 current schedule for briefing their cross-motions for summary judgment currently set to be heard
13 on September 30, 2010. The parties also wish to defer the costs of additional discovery until after
14 the June 30, 2010 ENE session. The parties believe that this brief extension will not interfere
15 with, but will actually promote, the efficient resolution of this case.

16 5. For the reasons set forth above, the parties hereby stipulate, and respectfully
17 request that the Court grant their request, to extend the deadline to complete fact discovery from
18 July 23, 2010 to August 13, 2010.

19 DATED: June 22, 2010

CROWELL & MORING LLP

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By: /s/ Steven P. Rice

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Steven P. Rice

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Queena Mewers

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Attorneys for Plaintiffs

MT. MCKINLEY INSURANCE COMPANY and
EVEREST REINSURANCE COMPANY

24 DATED: June 22, 2010

CRAIG & WINKELMAN LLP

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By: /s/ Robin D. Craig

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Robin D. Craig

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Attorneys for Defendant

SWISS REINSURANCE AMERICA
CORPORATION

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PURSUANT TO THE STIPULATION SET FORTH ABOVE, IT IS SO ORDERED that
the deadline for the parties to complete fact discovery is extended from July 23, 2010 to August
13, 2010.

DATED: 6/22/2010



CLAUDIA WILKEN
United States District Judge