

1 JESS B. MILLIKAN (SBN 095540)  
 WILLIAM J. RUSTEEN (SBN 265388)  
 2 Bullivant Houser Bailey PC  
 601 California Street, Suite 1800  
 3 San Francisco, California 94108  
 Telephone: 415.352.2700  
 4 Facsimile: 415.352.2701  
 E-Mail: jess.millikan@bullivant.com  
 5 william.rusteen@bullivant.com

6 Attorneys for Plaintiff and Counterdefendant  
 TRAVELERS PROPERTY CASUALTY  
 7 COMPANY OF AMERICA

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

11 TRAVELERS PROPERTY CASUALTY  
 12 COMPANY OF AMERICA, a Connecticut  
 corporation,

13 Plaintiff,

14 vs.

15 MIXT GREENS, INC., a California  
 16 corporation; HINES INTERESTS LIMITED  
 PARTNERSHIP, a Delaware limited  
 17 partnership; NOP 560 MISSION, LLC, a  
 Delaware limited liability company; and  
 18 CAL-MURPHY, LLC, a California limited  
 liability company,

19 Defendant.

Case No.: C-13-00957 PJH

**JOINT STATUS STATEMENT;  
 (~~PROPOSED~~) ORDER**

20  
 21 AND RELATED ACTIONS AND  
 COUNTER-ACTIONS  
 22

23  
 24 Pursuant to the Court's Orders filed March 25, 2014 (Docket #75) and April 16, 2014  
 25 (Docket #78), the parties have met and conferred. They agree and request that the remaining  
 26 claims regarding duty to indemnify should remain stayed pending final resolution of the  
 27 underlying action, at which time it will be known whether Mixt Greens, Inc., Hines Interests  
 28 Limited Partners, or NOP 560 Mission LLC are liable to Cal-Murphy LLC and if so, for what.

1 Cal-Murphy, LLC requests that the Court clarify its Order filed March 25, 2014 (Docket  
2 #75) regarding the issues of waiver, estoppel and laches.

3 A Proposed Order continuing the stay in this action is attached to this Joint Status  
4 Statement

5 DATED: May 6, 2014

6 BULLIVANT HOUSER BAILEY PC

7  
8 By           /s/ Jess B. Millikan  
9 JESS B. MILLIKAN  
10 WILLIAM J. RUSTEEN  
11 Attorneys for Plaintiff and Counterdefendant

12 TRAVELERS PROPERTY CASUALTY  
13 COMPANY OF AMERICA

14 DATED: May 6, 2014

15 ALLEN MATKINS LECK GAMBLE  
16 MALLORY & NATSIS LLP

17 By           /s/ Francis N. Scollan  
18 FRANCIS N. SCOLLAN  
19 Attorneys for Defendants  
20 HINES INTERESTS LIMITED  
21 PARTNERSHIP and NOP 560 MISSION  
22 LLC

23 DATED: May 6, 2014

24 MANNION & LOWE, APC

25 By           /s/ E. Gerard Mannion  
26 E. GERARD MANNION  
27 WESLEY M. LOWE  
28 Attorneys for Defendant  
CAL-MURPHY, LLC

\*\*\*\*\*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

[PROPOSED] ORDER

This matter is stayed pending final resolution of the underlying action. The parties are directed to file supplemental status reports every 3 months to advise this Court concerning the status of the underlying action.

Dated: May 9, 2014

PHYLLIS J. HAMILTON  
United States District Judge

