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Attorneys for Plaintiffs Franjo, Inc., DMS Facility Services, Inc., and all others similarly situated

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

15 **FRANJO, INC., and DMS FACILITY**
 16 **SERVICES, INC., individually and on**
 behalf of all others similarly situated,

17 Plaintiffs,

18 v.

19 **AMERICAN INTERNATIONAL**
 20 **GROUP, INC.; AIU INSURANCE**
 21 **COMPANY; AMERICAN FUJI FIRE**
 22 **AND MARINE INSURANCE**
 23 **COMPANY; AMERICAN HOME**
 24 **ASSURANCE COMPANY;**
 25 **CHARTIS PROPERTY CASUALTY**
 26 **COMPANY f/k/a AIG CASUALTY**
 27 **COMPANY f/k/a BIRMINGHAM FIRE**
 28 **INSURANCE COMPANY OF**
PENNSYLVANIA; COMMERCE AND
INDUSTRY INSURANCE COMPANY,
INC.; GRANITE STATE INSURANCE
COMPANY; INSURANCE COMPANY

Case No.: CV-13-4685-SBA

STIPULATION AND ORDER TO
STAY INITIAL STATUS
CONFERENCE PENDING
DETERMINATION OF THE AIG
DEFENDANTS' MOTION TO
TRANSFER TO MDL

1 OF THE STATE OF PENNSYLVANIA;
2 NATIONAL UNION FIRE
3 INSURANCE COMPANY OF
4 PITTSBURGH, PA; NEW
5 HAMPSHIRE INSURANCE
6 COMPANY; AIG RISK
7 MANAGEMENT INC., MAURICE R.
8 GREENBERG; and DOES 1 through 10
9 inclusive,

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Defendants.

1 WHEREAS, on October 24, 2013, Plaintiffs Franjo, Inc., and DMS Facility
2 Services initiated this action by the filing of their Class Action Complaint (the
3 “Class Action Complaint”), designated Case No. 13-cv-4685, in the United States
4 District Court for the North District of California (“this Action”); and

5 WHEREAS, the Class Action Complaint names as defendants American
6 International Group, Inc., AIU Insurance Company, American Fuji Fire and Marine
7 Insurance Company, American Home Assurance Company, Chartis Property
8 Casualty Company f/k/a AIG Casualty Company f/k/a Birmingham Fire Insurance
9 Company of Pennsylvania, Commerce and Industry Insurance Company, Inc.,
10 Granite State Insurance Company, Insurance Company of the State of
11 Pennsylvania, National Union Fire Insurance Company of Pittsburgh,
12 Pennsylvania, New Hampshire Insurance Company, and AIG Risk Management
13 Inc. (collectively, “the AIG Defendants”), Maurice R. Greenberg (“Greenberg”),
14 and Does 1 through 10 inclusive; and

15 WHEREAS, in civil actions now pending in multiple other jurisdictions,
16 other plaintiffs have asserted related or similar claims to those made in Case No.
17 13-cv-4685; and

18 WHEREAS, on or about December 19, 2013, the AIG Defendants filed with
19 United States Judicial Panel on Multidistrict Litigation (“JPML”) a motion,
20 pursuant to 28 U.S.C. § 1407, to transfer all related actions to the United States
21 District Court for the Northern District of Illinois, thereby opening MDL No. 2519.
22 According to AIG’s memorandum in support of its § 1407 motion to transfer,
23 counsel for Defendant Greenberg, “while reserving all his rights and
24 objections...does not oppose the relief sought on [AIG’s motion to transfer].” MDL
25 No. 2519 Doc.#1-1 at p.2, n. 2. The JPML has entered a briefing schedule for the
26 motion pending in MDL no. 2519, but there has been no judicial MDL
27 determination and there has been no judicial determination of the relatedness of the
28 aforementioned actions;

1 WHEREAS, an Initial Status Conference for this Action is currently set for
2 January 22, 2014 at 2:30 p.m.

3 NOW THEREFORE:

4 IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE
5 UNDERSIGNED COUNSEL FOR THE PARTIES:

6 1. The Initial Status Conference currently set for January 22, 2014 is
7 hereby stayed pending the JPML's ruling on the AIG Defendants' § 1407 motion to
8 transfer.

9 2. The deadlines to submit the parties' Rule 26(f) Plan and Initial
10 Disclosures are further stayed pending the JPML's ruling on the AIG Defendants' §
11 1407 motion to transfer.

12 3. Once there has been a ruling on the AIG Defendants' § 1407 motion to
13 transfer, the parties agree to promptly inform the Court, so the Court may take the
14 appropriate action to either transfer the case or reschedule the various matters
15 which have been stayed.

16 Dated: January 9, 2014

ROXBOROUGH POMERANCE NYE &
ANDREANI, LLP

17 By: /s/ Anne S. Kelson
18 *Attorneys for Plaintiffs Franjo, Inc., DMS*
19 *Facility Services, Inc., and all others*
20 *similarly situated*

21
22 Dated: January 9, 2014

SKADDEN, ARPS, SLATE, MEAGHER
& FLOM LLP

23 By:
24 /s/
25 *Attorneys for Defendant Maurice R.*
26 *Greenberg*

1 Dated: January_9, 2014

QUINN EMANUEL URQUHART &
SULLIVAN, LL


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3 By: ___/s/_____
4 *Attorneys for Defendants American*
5 *International Group, Inc. AIU Insurance*
6 *Company, American Fuji Fire and*
7 *Marine Insurance Company, American*
8 *Home Assurance Company, Chartis*
9 *Property Casualty Company f/k/a AIG*
10 *Casualty Company f/k/a Birmingham Fire*
11 *Insurance Company of Pennsylvania,*
12 *Commerce and Industry Insurance*
13 *Company, Inc., Granite State Insurance*
14 *Company, Insurance Company of the*
15 *State of Pennsylvania, National Union*
16 *Fire Insurance Company of Pittsburgh,*
17 *Pennsylvania, New Hampshire Insurance*
18 *Company, and AIG Risk Management,*
19 *Inc.*
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1 Pursuant to the foregoing stipulation to stay the Initial Status Conference
2 pending the JPML's ruling on the AIG Defendants' § 1407 motion to transfer and
3 good cause appearing, it is hereby ORDERED that:

- 4 1. The Initial Status Conference currently set for January 22, 2014 is hereby
5 stayed pending the JPML's ruling on the AIG Defendants' § 1407 motion
6 to transfer.
- 7 2. The deadlines to submit the parties' Rule 26(f) Plan and Initial
8 Disclosures are further stayed pending the JPML's ruling on the AIG
9 Defendants' § 1407 motion to transfer.
- 10 3. Once there has been a ruling on the AIG Defendants' § 1407 motion to
11 transfer, the parties will promptly inform the Court, so the Court may take
12 the appropriate action to either transfer the case or reschedule the various
13 matters which have been stayed.

14
15 IT IS SO ORDERED.

16 DATE 1/10/2014


17 The Honorable Sandra B. Armstrong
18 United States District Judge
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