

1 occurs first: 1) the outcome of the WCAB proceedings; 2) Plaintiff's dismissal of its petition before
2 the WCAB; or 3) Plaintiff's dismissal of its claims against Defendants Employers Reinsurance
3 Corporation ("Employers") and General Reinsurance Corporation ("General") in this action.

4 Plaintiff argues that the result of the WCAB proceedings will not affect Defendant National
5 Union's obligation to reimburse Plaintiff the total amount due to Plaintiff, but instead will only
6 determine whether Defendant National Union can seek contribution from one or both of the other
7 Defendants. Plaintiff further notes that the WCAB does not have authority to compel *any* of the
8 Defendants to pay Plaintiff. However, it was Plaintiff that chose to file the petition with the WCAB
9 and to sue all three insurers in this action. It would be inequitable to require Defendants Employers
10 and General to defend against the same claims in two tribunals at the same time. Thus, the court
11 finds it appropriate to stay this action as set forth above.

12 IT IS FURTHER ORDERED that the parties shall file a joint status report every 90 days,
13 beginning on November 2, 2009.

14 IT IS FURTHER ORDERED that Plaintiff shall promptly notify this court in writing if and
15 when any of the aforementioned events renders it appropriate to lift the stay in this action.

16 Dated: 8/3/09

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18 PATRICIA V. TRUMBULL
19 United States Magistrate Judge
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