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4 Attorneys for Defendant
 5 MT. HAWLEY INSURANCE COMPANY

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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10	SCOTTSDALE INSURANCE)	No. C 10-01342 LHK
	COMPANY,)	
11)	STIPULATION AND PROPOSED ORDER
	Plaintiff,)	RE LIMITED STAY OF ACTION
12)	
	v.)	Judge: The Honorable Lucy H. Koh
13)	
	ADVENT, INC.; ADVENT COMPANIES,)	Action Filed: March 29, 2010
14	INC.; ADVENT CONSTRUCTION)	
	MANAGEMENT, et al.,)	
15)	
	Defendants.)	
16)	

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18 WHEREAS, in this coverage action, plaintiff Scottsdale Insurance Company has brought
 19 claims for declaratory relief (first cause of action), Buss reimbursement (sixth cause of action) and
 20 Blue Ridge reimbursement (seventh cause of action) based on allegations that under its commercial
 21 general liability insurance contract with Pacific Structures, Scottsdale does not owe additional
 22 insured coverage obligations to Global Premier Development, MIL Aspen Associates and Advent in
 23 an underlying action entitled, Kielty v. Advent, Inc., D.F. Rios, Foothill Fire, Pacific Structures,
 24 Global and Mil Aspen, California Superior Court, County of Santa Clara, No. 1-08-CV-122946 (the
 25 "Underlying Action");

26 WHEREAS, under the Scottsdale insurance contract with Pacific Structures, additional
 27 insured coverage for Global, MIL Aspen and Advent extends to liability "caused, in whole or in part,
 28 by" Pacific Structures or those acting on its behalf;

1 WHEREAS, to prevail on the claims set forth above, Scottsdale would need to eliminate the
2 possibility that Global, MIL Aspen and Advent face any liability in the Underlying Action caused in
3 whole or in part by Pacific Structures;

4 WHEREAS, the Underlying Action is ongoing and Pacific Structures' liability remains at
5 issue in the Underlying Action;

6 WHEREAS, to rule on the claims set forth above, this Court would need to make factual
7 determinations regarding claims at issue in the Underlying Action;

8 WHEREAS, if this Court were to make such determinations, the possibility exists that this
9 Court's factual determinations and the underlying California Superior Court's factual determinations
10 could be inconsistent;

11 WHEREAS, the Parties seek to eliminate the possibility of such inconsistent factual
12 determinations; and

13 WHEREAS, Advent also desires that its counter-claim be stayed pending further order from
14 the Court;

15 WHEREFORE, the parties hereby STIPULATE as follows:

16 1. That Scottsdale's first, sixth and seventh causes of action be STAYED pending further
17 order from this Court; each party hereto shall have the right to bring a motion to set aside the stay;

18 2. That Scottsdale's second, third, fourth and fifth causes of action, seeking declaratory
19 relief regarding other insurers' duties to defend and/or indemnify Global, MIL Aspen and Advent in
20 the Underlying Action, not be stayed;

21 3. That this stay does not impair Scottsdale from naming as defendants any other
22 insurers that might owe any duties or obligations to Global, MIL Aspen or Advent regarding the
23 Underlying Action, or from bringing any additional claims against such insurers, to establish such
24 duties or obligations.

25 4. Advent, Inc., Advent Companies, Inc. and Advent Construction Management's
26 Counterclaim is STAYED in its entirety pending further order from this Court; each party hereto
27 shall have the right to bring a motion to set aside the stay.

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1 It is so STIPULATED.

2 Dated: November 29, 2010

SELMAN BREITMAN LLP

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/S/

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By: _____
Linda Sharon Wendell Hsu

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Attorneys for Plaintiff/Cross-Defendant
SCOTTSDALE INSURANCE COMPANY

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7 Dated: November 29, 2010

McMANIS FAULKNER

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/S/

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By: _____
Richard Tyler Atkinson

10

Attorneys for Defendant JEROME KIELTY

11

12 Dated: November 30, 2010

HAYES, SCOTT, BONINO, ELLINGSON & McLAY,
LLP

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/S/

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By: _____
Stephen P. Ellingson

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Attorneys for Defendant NATIONAL UNION
FIRE INSURANCE COMPANY OF
PITTSBURGH

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18 Dated: November 29, 2010

WOLKIN CURRAN

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/S/

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By: _____
Jennifer Elowsky

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Attorneys for Defendant NAVIGATOR'S
SPECIALTY INSURANCE COMPANY

22

23 Dated: November 29, 2010

TRESSLER LLP

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/S/

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By: _____
Linda Tai Hoshide

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Attorneys for Defendant/Cross-Defendant FIRST
MERCURY INSURANCE COMPANY

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1 Dated: November 29, 2010

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

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/S/

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By: _____
William Luther Marchant

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Attorneys for Defendants/Cross-Complainants
ADVENT COMPANIES, INC., ADVENT
CONSTRUCTION MANAGEMENT, ADVENT,
INC.

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7 Dated: November 29, 2010

MELENDEZ & ASSOCIATES

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/S/

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By: _____
Michael W. Melendez

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Attorneys for Defendant MT. HAWLEY
INSURANCE COMPANY

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ORDER

14 It is so ORDERED.

15 Dated: December 1, 2010

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The Honorable Lucy H. Koh
United States District Judge

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