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1777 LAFAYETTE PARTNERS,  
6 ERIC WILLIS and TOM BURNS

**\*E-FILED - 2/23/11\***

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PEERLESS INSURANCE COMPANY

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

17 1777 LAFAYETTE PARTNERS, a  
18 California Limited Partnership, ERIC  
19 WILLIS, an individual, and TOM BURNS,  
an individual,

20 Plaintiff,

21 v.  
22 GOLDEN EAGLE INSURANCE  
COMPANY, PEERLESS INSURANCE  
23 COMPANY, and DOES 1 to 10,

24 Defendants.

CASE NO 5:10-CV-01863-RMW

**STIPULATION AND [XXXXXXXXXXXX] ORDER  
FOR LEAVE TO FILE SECOND AMENDED  
COMPLAINT WITH ADDITIONAL  
PLAINTIFFS AND FOR ADDITONAL TIME  
TO HEAR CROSS-MOTIONS FOR  
SUMMARY JUDGMENT**

25  
26 **WHEREAS**, on February 11, 2011, Defendant PEERLESS INSURANCE COMPANY  
27 (“Peerless”) denied the claim of Steven Wheelwright, an individual partner of 1777 Lafayette  
28 Partners, in which he tendered his defense in this action;

1           **WHEREAS**, Plaintiffs 1777 LAFAYETTE PARTNERS, TOM BURNS and ERIC  
2 WILLIS (“Plaintiffs”) now seek to file a Second Amended Complaint adding Mr. Wheelwright as  
3 a plaintiff and to add a cause of action for declaratory relief as to all plaintiffs,

4           **WHEREAS**, Defendant Peerless Insurance Company will be required to file an answer to  
5 the Second Amended Complaint,

6           **WHEREAS**, this Court’s current Case Management Order dated November 22, 2010  
7 requires that cross motions for summary judgment be heard on April 1, 2011,

8           **WHEREAS**, pursuant to the Federal Rules of Civil Procedure and Local Rules of the  
9 Northern District of California, a summary judgment scheduled to be heard on April 1, 2011 must  
10 be filed no later than February 25, 2011, and given the pending deadline to file cross-motions for  
11 summary judgment on February 25, 2011, the motions will be due before the new operative  
12 complaint and answer are filed,

13  
14           **IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiffs and Peerless  
15 by and through their respective counsel, as follows:

16           1.       In the above-captioned action, Plaintiffs may file a Second Amended Complaint  
17 adding Steven Wheelwright as an additional Plaintiff and a cause of action for declaratory relief,  
18 by or before February 28, 2011, a true and correct copy of which is attached hereto.

19           2.       Peerless’ Answer to the Second Amended Complaint shall be due no later than  
20 fourteen days (14) after service of the Second Amended Complaint.

21           3.       The hearing date for the cross-motions for summary judgment be continued from  
22 April 1, 2011 to April 29, 2011, or a subsequent day convenient to the Court’s calendar, and the  
23 filing dates for the cross motions reset according to the new hearing date.

24           **IT IS SO STIPULATED.**

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Dated: February 17, 2011

MILLER, MORTON, CAILLAT & NEVIS  
LLP

By: /s/ Gregory Korbel

PETER V. DESSAU, ESQ.  
GREGORY KORBEL, ESQ.  
Attorneys for Plaintiff, 1777 LAFAYETTE  
PARTNERS

Dated: February 17, 2011

ROPER, MAJESKI, KOHN & BENTLEY

By: /s/ Pamela E. Cogan

PAMELA E. COGAN  
STACY M. TUCKER  
Attorneys for Defendant, PEERLESS  
INSURANCE COMPANY

**ORDER**

Based on the stipulation filed by the parties and good cause appearing therfor, **IT IS**

**HEREBY ORDERED** that:

1. Plaintiffs may file a Second Amended Complaint adding Steven Wheelwright as an additional Plaintiff and a cause of action for declaratory relief by or before February 28, 2011.
2. Peerless' Answer to the Second Amended Complaint shall be due no later than fourteen days (14) after service of the Second Amended Complaint.
3. The hearing date for the cross-motions for summary judgment is continued from April 1, 2011 to April 29, 2011 @ 9:00 a.m., and the filing dates for the cross motions reset according to the new hearing date. The Court continues the Case Management Conference to April 29, 2011 @ 10:30 a.m.

Dated: 2/23/11, 2011

By: Ronald M. Whyte

Hon. Ronald M. Whyte  
United States District Court, Northern  
District of California