

1 NEWMEYER & DILLION LLP  
 JAMES S. HULTZ, CBN 217623  
 2 James.Hultz@ndlf.com  
 C. KENDIE SCHLECHT, CBN 190978  
 3 Kendie.Schlecht@ndlf.com  
 GARY A. BARRERA, CBN 244073  
 4 Gary.Barrera@ndlf.com  
 895 Dove Street, 5th Floor  
 5 Newport Beach, California 92660  
 (949) 854-7000; (949) 854-7099 (Fax)

6 Attorneys for Plaintiffs  
 7 KAUFMAN & BROAD MONTEREY BAY,  
 a California corporation; and KB HOME  
 8 SOUTH BAY, INC., a California  
 corporation

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN JOSE DIVISION

14 KAUFMAN & BROAD  
 MONTEREY BAY, a California  
 15 corporation; KB HOME SOUTH  
 BAY, INC., a California corporation,

16 Plaintiffs,

17 vs.

18 TRAVELERS PROPERTY  
 19 CASUALTY COMPANY OF  
 AMERICA; and DOES 1 through  
 20 100, inclusive,

21 Defendants.

CASE NO.: 5:10-cv-02856-EJD  
 JUDGE: Edward J. Davila  
 COURTROOM: 1  
 MAGISTRATE JUDGE: HOWARD R. LLOYD

22 **STIPULATION AND ~~PROPOSED~~  
 ORDER RE SUMMARY JUDGMENT  
 MOTION BRIEFING SCHEDULE**

[F.R.C.P. 56; Civil L.R. 7-2, 7-3,  
 and 56-1]

State Court Action Filed: May 27, 2010  
 Removed to USDC Northern District:  
 June 28, 2010

23 Plaintiffs Kaufman & Broad Monterey Bay and KB Home South Bay, Inc.  
 24 (collectively "KB Home") and Defendant Travelers Property Casualty Company of  
 25 America ("Travelers"), by their respective undersigned attorneys, hereby stipulate  
 26 and agree to the following:  
 27

28 2684241.1

STIP. AND PROPOSED ORDER RE SIM  
 BRIEFING SCHEDULE

1           WHEREAS, on April 20, 2011, the Honorable Lucy H. Koh issued a Minute  
2 Order and Case Management Order which, among other things, set a hearing for the  
3 parties' respective motions for summary judgment and/or partial summary  
4 judgment on August 4, 2011, along with a specified briefing schedule which  
5 requires opening briefs to be filed by May 23, 2011;

6           WHEREAS, on April 25, 2011, the Court issued a Reassignment Order  
7 reassigning this matter to the Honorable Edward J. Davila for all further  
8 proceedings;

9           WHEREAS, the August 4, 2011 hearing date for the parties' respective  
10 motions for summary judgment and/or partial summary judgment has been vacated;

11           WHEREAS, KB Home has obtained the first available hearing date of  
12 September 30, 2011 for its motion for summary judgment and/or partial summary  
13 judgment;

14           WHEREAS, Travelers has obtained the first available hearing date of  
15 November 18, 2011 for its motion for summary judgment and/or partial summary  
16 judgment;

17           WHEREAS, Travelers has inquired of the Court to have its motion heard  
18 concurrently with KB Home's motion on September 30, 2011;

19           WHEREAS, the parties jointly request that they be allowed to file their  
20 opening briefs, oppositions, and reply briefs in accordance with the time  
21 requirements of Civil Local Rules 7-2, 7-3, and 56-1.

22           NOW THEREFORE, in consideration of the foregoing and the promises  
23 exchanged herein, the parties agree and stipulate as follows:

24           1.     The parties shall file the opening briefs, oppositions, and reply briefs  
25 for their respective motions for summary judgment and/or partial summary  
26 judgment in accordance with the notice and time requirements of Civil Local Rules  
27 7-2, 7-3, and 56-1.

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2. This Stipulation may be executed in counterparts, by facsimile signature, each of which shall together be construed as a single original document, and which may be used in lieu of the original for all purposes.

IT IS SO STIPULATED.

DATED: May 19, 2011

BOHM, MATSEN, KEGEL & AGUILERA  
LLP

By: /A. Eric Aguilera/  
A. ERIC AGUILERA  
Attorneys for Defendant TRAVELERS  
PROPERTY CASUALTY COMPANY  
OF AMERICA

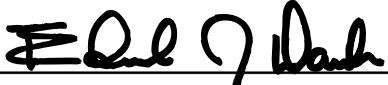
DATED: May 19, 2011

NEWMAYER & DILLION LLP

By: /C. Kendie Schlecht/  
JAMES S. HULTZ  
C. KENDIE SCHLECHT  
Attorneys for Plaintiffs KAUFMAN &  
BROAD MONTEREY BAY, a California  
corporation; and KB HOME SOUTH  
BAY, INC., a California corporation

IT IS SO ORDERED:

DATED: May 20, 2011

  
\_\_\_\_\_  
Judge of the United States District  
Court for the Northern District of  
California