

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THE AMERICAN INSURANCE COMPANY,)	Case No.: 11-CV-03159-LHK
)	
Plaintiff,)	ORDER REGARDING SCHEDULE
v.)	AND PENDING SUMMARY
)	JUDGMENT MOTIONS
LIBERTY SURPLUS INSURANCE)	
CORPORATION; GREENWICH INSURANCE)	
COMPANY,)	
)	
Defendants.)	
_____)	
AND RELATED ACTIONS)	
_____)	

Pending before the Court is American Insurance Company’s (“American Insurance”) Motion for Summary Judgment, ECF No. 70; Liberty Surplus Insurance Corporation’s (“Liberty Surplus”) Motion for Summary Adjudication, ECF No. 81; and Greenwich Insurance Company’s Motion for Partial Summary Judgment, ECF No. 85.

The Court set several case schedule deadlines on September 28, 2011 for the two original parties to this action, American Insurance and Liberty Surplus. ECF No. 26. Among those deadlines was a discovery cut-off, a dispositive motion hearing deadline, and a bench trial date. Since that time, numerous other parties have been added to the litigation, some only a short time before the fact discovery cut off and the deadline by which the parties were to file dispositive motions (“Newly Added Parties”).


One of the newly added third party defendants, American Safety Indemnity Company (“American Safety”), has filed a motion to sever, or in the alternative to reopen discovery and

1 continue the trial date. ECF No. 99 & 117. Three other third party defendants, Travelers Property
2 Casualty Company, Admiral Insurance Company, and Financial Pacific Insurance Company, have
3 joined in American Safety's motion.

4 In light of the fact that many of the parties have only recently been added to this litigation,
5 and in light of the fact that any order on the pending summary judgment and summary adjudication
6 motions may become law of the case and have preclusive effect on all the parties to this litigation,
7 the Newly Added Parties may wish to be heard on the pending summary judgment/adjudication
8 motions. Accordingly, any Newly Added Party that would like to be heard on the pending
9 summary judgment/adjudication motions must file a notice indicating its intent to do so by noon on
10 Tuesday, March 27, 2012. Should any Newly Added Party indicate an intent to file a position
11 statement on the pending dispositive motions, the Court shall vacate the April 5, 2012 hearing date
12 and conduct a case management conference at which a new case schedule will be set.

13 **IT IS SO ORDERED.**

14 Dated: March 23, 2012


LUCY H. KOH
United States District Judge