

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALLSTATE INSURANCE COMPANY,
as successor-in-interest to NORTHBROOK
EXCESS AND SURPLUS INSURANCE
COMPANY, formerly NORTHBROOK
INSURANCE COMPANY,

Plaintiff,

v.

CENTURY INDEMNITY COMPANY,
as successor to CCI INSURANCE COMPANY,
as successor to CIGNA SPECIALTY
INSURANCE COMPANY, formerly known as
CALIFORNIA UNION INSURANCE
COMPANY; and GREATER NEW YORK
MUTUAL INSURANCE COMPANY,

Defendants.

CIVIL NO. 06-4373

ORDER

AND NOW, this 29th day of October, 2009, upon consideration of Century’s Cross Motions for Continuance and Additional Discovery [Doc. No. 61], Allstate’s Reply in Opposition to Century’s Cross Motion [Doc. No. 66], and all other relevant pleadings in this case , it is hereby **ORDERED** that, in light of equitable principles, Century’s Cross Motions for Continuance and Additional Discovery under Federal Rule of Procedure 56(f) are **GRANTED** and further discovery is permitted as follows:

1) Fact and expert discovery shall be reopened for forty-five (45) days, on the issue of whether Century’s excess coverage policy for the 1979-1980 term defines Century’s aggregate limits, if any;

2) The parties must file a status report due on or before December 14th, 2009, which must address the impact and effect, if any, that the additional discovery may have produced;

3) Allstate's Motion for Summary Judgment [Doc. No. 49] is **DISMISSED** without prejudice and may not be refiled until fact discovery is complete per the terms of this Order;

4) GNY's Cross Motion for Summary Judgment [Doc. No. 55] is **STAYED** and **DEFERRED**;

5) The following cross motions filed by Century are hereby **DISMISSED** without prejudice, and Century is granted leave to refile any appropriate summary judgment motions after the additional limited discovery is concluded, but no later than December 21st, 2009:

A) Century's Cross Motion to Strike Affidavit, Exhibits and References [Doc. No. 62] and

B) Century's Cross Motion for Summary Judgment Initial Filing under Rule 56(b) Alternative Method [Doc. No. 63];

6) Century's Cross Motion to Correct Docketing of Cross Motion as Motion [Doc. No. 64] is hereby **DISMISSED** with prejudice; and

7) The Clerk shall place the above-captioned matter in **STAY** and in **SUSPENSE**.

The stay will remain in effect until further Order of Court.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.