

The Honorable James L. Robart

1  
2  
3  
4  
5  
6  
7

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

WEYERHAEUSER COMPANY, a  
Washington corporation,

Plaintiff,

v.

NOVAE SYNDICATE 2007; APOLLO  
LIABILITY CONSORTIUM 9984; ANV  
CASUALTY CONSORTIUM 9148; SCOR  
UK COMPANY LTD; STARSTONE  
SYNDICATE 1301; XL CATLIN  
SYNDICATE 2003; ALLIANZ  
UNDERWRITERS INSURANCE  
COMPANY; HISCOX SYNDICATE 33;  
STARR UNDERWRITING AGENTS LTD.;  
LLOYD'S SYNDICATE CVS 1919,

Defendants.

NO. 2:18-cv-00585-JLR

STIPULATION AND ~~PROPOSED~~  
ORDER

**I. STIPULATION**

This Stipulation and Proposed Order is entered into by and among plaintiff Weyerhaeuser

Company and defendants Novae Syndicate 2007, Apollo Liability Consortium 9984, ANV

Casualty Consortium 9184, SCOR UK Company Ltd., Starstone Syndicate 1301, Hiscox

STIPULATION AND ~~PROPOSED~~ ORDER - 1  
No. 2:18-cv-00585-JLR

GORDON | 1001 Fourth Avenue  
TILDEN | Suite 4000  
THOMAS | Seattle, WA 98154-1007  
CORDELL | 206.467.6477

1 Syndicate 33, Star Underwriting Agents Ltd., and Lloyd's Syndicate CVS 1919 (collectively  
2  
3 "TRO Defendants").  
4

5 Weyerhaeuser and the TRO Defendants hereby stipulate to the immediate entry of the  
6  
7 Proposed Order set forth below. Accordingly, Weyerhaeuser and the TRO Defendants further  
8  
9 agree that the briefing and hearing dates established in the TRO may be vacated.  
10  
11  
12  
13

14 DATED this 21st day of May, 2018.

15  
16 **GORDON TILDEN THOMAS & CORDELL LLP**  
17 Attorneys for Plaintiff

18  
19 By s/ Franklin D. Cordell

20 Franklin D. Cordell, WSBA #26392

21 Michael P. Brown, WSBA #45618

22 Greg Pendleton, WSBA #38361

23 Brendan Winslow-Nason, WSBA #39328

24 1001 Fourth Avenue, Suite 4000

25 Seattle, Washington 98154-1007

26 206.467.6477

27 [fcordell@gordontilden.com](mailto:fcordell@gordontilden.com)

28 [mbrown@gordontilden.com](mailto:mbrown@gordontilden.com)

29 [gpendleton@gordontilden.com](mailto:gpendleton@gordontilden.com)

30 [bwinslow-nason@gordontilden.com](mailto:bwinslow-nason@gordontilden.com)  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

DATED this 21st day of May, 2018.

**NICOLL BLACK & FEIG PLLC**

Attorneys for Defendants Novae Syndicate 2007,  
Apollo Liability Consortium 9984, ANV Casualty  
Consortium 9184, SCOR UK Company Ltd., Starstone  
Syndicate 1301

By s/ Chris Nicoll

Chris Nicoll, WSBA #20771  
1325 4<sup>th</sup> Avenue, Suite 1650  
Seattle, Washington 98101  
206.838.7546  
[cnicoll@nicollblack.com](mailto:cnicoll@nicollblack.com)

DATED this 21st day of May, 2018.

**SCHEER LAW GROUP LLP**

Attorneys for Defendants Star Underwriting Agents  
Ltd., Hiscox Syndicate 33, and Lloyd's Syndicate CVS  
1919

By s/ Mark P. Scheer

Mark P. Scheer, WSBA # 16651

s/Jennifer Crow

Jennifer Crow, WSBA # 43746

701 Pike Street, Suite 2200  
Seattle, WA 98101  
206-262-1200  
[mscheer@scheerlaw.com](mailto:mscheer@scheerlaw.com)  
[jcrow@scheerlaw.com](mailto:jcrow@scheerlaw.com)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

II. ~~PROPOSED~~ ORDER

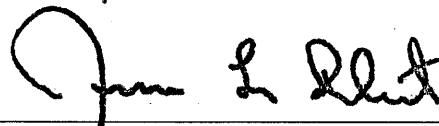
IT IS HEREBY ORDERED that the TRO Defendants are enjoined from instituting or joining in any action, in any other forum, aimed at securing a determination on the issue whether

Weyerhaeuser is required, under the policies issued by TRO Defendants, to arbitrate disputes regarding coverage under those policies. This injunction does not prevent TRO Defendants from: (1) making any arguments to this Court that disputes regarding coverage under the policies issued by the TRO Defendants are subject to valid and enforceable agreements to arbitrate; or (2) in the event the London High Court makes its injunction against Weyerhaeuser and in favor of defendant XL Catlin Syndicate 2003 permanent, seeking an order from this Court re-opening and challenging the permanent injunction issued pursuant to this stipulation.

This Order is without prejudice to all parties' rights, claims, defenses, and arguments concerning whether: (1) the subject policies are subject to valid and enforceable agreements to arbitrate; and (2) whether a ruling in favor of XL Catlin Syndicate 2003 in the London High Court action, should the same occur, has any bearing on whether the instant Order should be vacated, should the TRO Defendants move to challenge it..

All briefing and hearing dates related to the matter of Weyerhaeuser's motion for preliminary injunction are vacated. (See Order (Dkt. # 7); MPI (Dkt. # 4); Min. Order (Dkt. # 13).)

DATED this 21<sup>st</sup> day of May, 2018.



Honorable James L. Robart  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of May, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

DATED this 21st day of May, 2018, at Seattle, Washington.

s/ Franklin D. Cordell  
Franklin D. Cordell, WSBA #26392

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45