

The Honorable Barbara J. Rothstein

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

<p>WORTHY HOTELS, INC., et al.,</p> <p>Plaintiffs,</p> <p>v.</p> <p>FIREMAN'S FUND INSURANCE COMPANY, a California corporation,</p> <p>Defendant.</p>
<p>ES RESTAURANT GROUP, INC., a Delaware corporation,</p> <p>Plaintiff,</p> <p>v.</p> <p>FIREMAN'S FUND INSURANCE COMPANY, a California corporation,</p> <p>Defendant.</p>
<p>NACCARATO RESTAURANT GROUP. INC., a Washington corporation</p> <p>Plaintiff,</p> <p>v.</p> <p>FIREMAN'S FUND INSURANCE COMPANY, a California corporation,</p> <p>Defendant.</p>

Consolidated Case No. 2:20-cv-1079-BJR

1 VITA COFFEE, LLC, a Washington limited
2 liability company d/b/a CAFFE VITA
3 COFFEE ROASTING CO.,

4 Plaintiff,

5 v.

6 FIREMAN'S FUND INSURANCE
7 COMPANY, a California corporation.

8 Defendant.

9 WEIMAC LLC, a Washington limited
10 liability company; et al.,

11 Plaintiffs,

12 v.

13 FIREMAN'S FUND INSURANCE
14 COMPANY,

15 Defendant.

16 13 COINS MANAGEMENT, LLC; M2
17 MANAGEMENT, LLC; 13 COINS
18 BELLEVUE, LLC; 13 COINS STADIUM,
19 LLC; THE LODGE ACQUISITION
20 MUKILTEO, LLC; THE LODGE
21 ACQUISITION MILL CREEK, LLC; THE
22 LODGE ACQUISITION KIRLAND, LLC;
23 THE LODGE ACQUISITION STADIUM,
24 LLC; THE LODGE ACQUISITION WEST
25 SEATTLE, LLC; THE SMOKEHOUSE,
26 LLC; JOE TO GO, LLC; MIGHTY
MIGHTY, LLC; THE LODGE
ACQUISITION, LLC, Washington limited
liability companies

Plaintiffs,

v.

NATIONAL SURETY CORP., an Illinois
corporation,

Defendant.

1 **CANLIS, INC., a Delaware corporation,**

2 **Plaintiff,**

3 **v.**

4 **FIREMAN'S FUND INSURANCE**
5 **COMPANY, a California corporation,**

6 **Defendant.**

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STIPULATION

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2 Canlis, Inc. and Fireman’s Fund Insurance Company (“Fireman’s”) (collectively, the
3 “Parties”) wish to avoid filing duplicative briefing to that already pending before the Court.
4 Canlis’s policy is very similar to those at issue in the other consolidated Fireman’s matters,
5 specifically the policy form at issue in the *Naccarato Restaurant Group, Inc. v. Fireman’s Fund*
6 *Insurance Company* (20-cv-06108) matter. As a result, rather than have Fireman’s file a motion to
7 dismiss largely repetitive of its previously filed motions to dismiss (and Canlis file response
8 briefing largely repetitive of what the other Fireman’s plaintiffs have filed), the parties agree and
9 stipulate:
10

- 11 • That the Parties will be bound by the Court’s order(s) relative to the motion to
12 dismiss brought by Fireman’s seeking dismissal of the *Naccarato Restaurant*
13 *Group, Inc.* lawsuit;
- 14 • That the motion to dismiss briefing relative to the *Naccarato Restaurant Group,*
15 *Inc.* lawsuit applies as if filed by and between the Parties and the Parties further
16 agree and stipulate that it covers all claims brought by Canlis in its Complaint, as
17 well as all coverages, extensions, exclusions, provisions, and clauses related to and
18 addressed by those claims; and
- That they are not prejudiced in any way by adopting the motion to dismiss briefing
filed relative to the *Naccarato Restaurant Group, Inc.* lawsuit or by being bound
by the Court’s ruling(s) relative to that briefing.

19 This Stipulation in no way affects the rights of the Parties to appeal the Court’s eventual
20 ruling(s), Canlis’s right to amend its pleadings should the Court not dismiss its Complaint with
21 prejudice, or Fireman’s right to move to dismiss any amended pleading filed by Canlis.
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23 Dated this 29th day of April, 2021.
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11 *Attorneys for Canlis, Inc.*

12 *Attorneys for Fireman's Fund Insurance*
13 *Company*

ORDER

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2 Having considered the April 29, 2021, stipulation submitted to this Court by Canlis and
3 Fireman’s Fund Insurance Company, and being fully advised, the Court hereby GRANTS the
4 Parties’ Stipulation.

5 Dated this 29th day of April, 2021.

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Hon. Judge Barbara J. Rothstein