

1 MORGAN, LEWIS & BOCKIUS LLP
Paul A. Zevnik, State Bar No. 75343
2 Michel Y. Horton, State Bar No. 114243
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4 Los Angeles, California 90071-3132
T: 213.612.2500
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6 *Attorneys for Plaintiff*
THORPE INSULATION COMPANY
7

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES

11 IN RE: THORPE ASBESTOS COVERAGE
12 CASES

Judicial Council Coordination Proceeding
No. 4458

13 Included Actions:

Honorable Elihu M. Berle

14 *Thorpe Insulation Company v. Argonaut*
Insurance Company, et al., San Francisco
15 Superior Court Case No. CGC-05-446682

**JOINT STIPULATION AND
(PROPOSED) ORDER PURSUANT TO
RULE OF COURT 2.251 TO CONFIRM
AGREEMENT TO ACCEPT
ELECTRONIC SERVICE AND
AGREEMENT TO DESIGNATE AN E-
SERVICE PROVIDER**

16 *Chicago Insurance Company, et al. v. Allstate*
Insurance Co., et al., Los Angeles Superior
17 Court Case No. BC 343014

18 *Chicago Insurance Company v. Pacific*
Insulation Company, et al., Los Angeles
19 Superior Court Case No. BC 346667

Actions Coordinated: March 6, 2006
Trial Date: TBD

20 AND RELATED CROSS-ACTIONS
21

22 On February 24, 2011 at 10:00 a.m., in Department 323 of Los Angeles County Superior
23 Court, Central Civil West, the Court ordered the parties to select an e-service provider and file a
24 Stipulation and Order confirming the selection by March 4, 2011.

25 It is stipulated and agreed by the undersigned parties in the above entitled action and the
26 undersigned settling insurers (collectively, the "Stipulating Parties"), through their respective
27 attorneys and counsel of record, as follows:

28 DB2/22251643.3

1 1. Pursuant to Rule of Court 2.251, each Stipulating Party provides notice herein that
2 it agrees to accept electronic service and this stipulation provides notice to the Court of each
3 Stipulating Party's agreement to accept electronic service.

4 2. Each Stipulating Party represents that it will comply with the rules governing
5 electronic service as set forth in Rule of Court 2.251, including assisting with the maintenance of
6 an electronic service list;

7 3. Each Stipulating Party agrees that LexisNexis File & Serve will be the service
8 provider for the electronic service of all pleadings and discovery in the above-entitled matter.
9 Although the Stipulating Parties have agreed to an e-service provider, each Stipulating Party is
10 still obligated, if applicable, to file pleadings with the Court in the above entitled matter.

11 4. Each Stipulating Party acknowledges its responsibility to register its respective
12 firm with LexisNexis File & Serve and agrees to the fees associated with the maintenance of the
13 e-service filing system provided by LexisNexis File & Serve.

14 5. The undersigned settling insurers have agreed to enter into this Stipulation because
15 of the Court's order that they continue to be served with all future filings. By entering into this
16 Stipulation, the undersigned settling insurers expressly reserve and do not waive any rights.

17
18 Dated: March 3, 2011


MORGAN, LEWIS & BOCKIUS LLP

19
20 By 

Charles J. Malaret
Attorneys for Plaintiff
THORPE INSULATION COMPANY

21
22
23 Dated: March 4, 2011

GRIPPO & ELDEN LLC

24
25 By  as counsel for National Fire
Todd C. Jacobs and on behalf of Todd C. Jacobs
26 Attorneys for NATIONAL FIRE INSURANCE
27 COMPANY OF HARTFORD, as successor-by-
merger to Transcontinental Insurance Co.

1 Dated: March 4, 2011

O'MELVENY & MYERS LLP

2
3 By Michael M. Maddigan

4 Michael M. Maddigan
5 Attorneys for MOTOR VEHICLE CASUALTY
6 COMPANY, CENTRAL NATIONAL
7 INSURANCE COMPANY OF OMAHA, and
8 CENTURY INDEMNITY COMPANY,
9 successor to CIGNA SPECIALTY
10 INSURANCE COMPANY f/k/a CALIFORNIA
11 UNION INSURANCE COMPANY

8 Dated: March __, 2011

SELMAN & BREITMAN LLP

10 By _____

11 Ilya A. Kosten
12 Jeffrey C. Segal
13 Attorneys for MIDDLESEX MUTUAL
14 INSURANCE COMPANY

14 Dated: March __, 2011

THE SHAPIRO LAW FIRM

16 By _____

17 Janet A. Shapiro
18 Attorneys for Settling Insurer GENERAL
19 INSURANCE COMPANY OF AMERICA

19 Dated: March __, 2011

MANATT, PHELPS & PHILIPS, LLP

21 By _____

22 Craig J. De Recat
23 Attorneys for Settling Insurers EMPLOYERS
24 REINSURANCE CORPORATION and
25 WESTPORT INSURANCE CORPORATION

1 Dated: March __, 2011

O'MELVENY & MYERS LLP

2
3 By _____

Richard B. Goetz
Attorneys for MOTOR VEHICLE CASUALTY
COMPANY, CENTRAL NATIONAL
INSURANCE COMPANY OF OMAHA, and
CENTURY INDEMNITY COMPANY,
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INSURANCE COMPANY *f/k/a* CALIFORNIA
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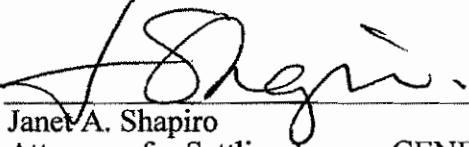
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Dated: March 4, 2011

SIMPSON THACHER & BARTLETT LLP

By Deborah L. Stein
Deborah L. Stein
Attorneys for Settling Insurers EMPLOYERS
REINSURANCE CORPORATION and
WESTPORT INSURANCE CORPORATION

Dated: March __, 2011

DUANE MORRIS LLP

By _____
Philip R. Matthews
Attorneys for Settling Insurers GREAT
AMERICAN INSURANCE COMPANY and
REPUBLIC INDEMNITY COMPANY OF
AMERICA

Dated: March __, 2011

DUANE MORRIS LLP

By _____
Ray L. Wong
Attorneys for Settling Insurer TRANSPORT
INSURANCE COMPANY

Dated: March __, 2011

CROWELL & MORING LLP

By _____
Steven P. Rice
Attorneys for Settling Insurers
CHICAGO INSURANCE COMPANY

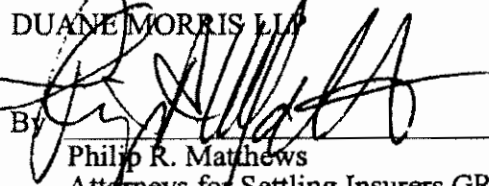
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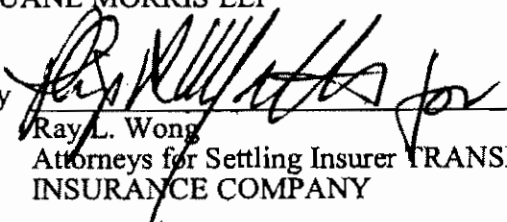
SIMPSON THACHER & BARTLETT LLP

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COZEN O'CONNOR

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Charles E. Wheeler
Attorneys for Settling Insurer PACIFIC
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Kevin P. McNamara
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INTERNATIONAL INSURANCE COMPANY

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GORDON & REES LLP

By _____
Matthew Foy
Attorneys for Settling Insurers GRANITE
STATE INSURANCE COMPANY and
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COMPANY OF PITTSBURGH, PA
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Dated: March ____, 2011

LITCHFIELD CAVO LLP

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Thomas M. Crawford
Attorneys for Settling Insurer ARGONAUT
INSURANCE COMPANY

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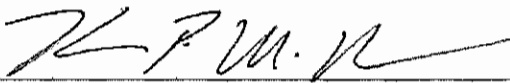
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Dated: March 4, 2011

LITCHFIELD CAVO LLP

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Thomas M. Crawford
Attorneys for Settling Insurer ARGONAUT
INSURANCE COMPANY

1 Dated: March 3, 2011

TRESSLER LLP

2
3 By 

Katherine K. Liner
Attorneys for Settling Insurer ALLSTATE
INSURANCE COMPANY, solely as successor-
in-interest to NORTHBROOK EXCESS &
SURPLUS INSURANCE COMPANY,
formerly NORTHBROOK INSURANCE
COMPANY (erroneously sued and served as
"ALLSTATE ASSURANCE COMPANY")

4
5
6
7
8 Dated: March ____, 2011

NIXON PEABODY

9
10 By _____

Robert Kavanaugh
Attorneys for Settling Insurer MAINE
BONDING AND CASUALTY COMPANY

11
12
13 Dated: March ____, 2011

CLARK TREVITHICK PC

14
15 By _____

John A. Lapinski
Attorneys for FARWEST INSULATION
COMPANY and PACIFIC INSULATION
CONTRACTING

16
17
18
19 **IT IS SO ORDERED:**

20
21 Dated: March ____, 2011

22 By _____

Hon. Elihu M. Berle

1 Dated: March ____, 2011

TRESSLER LLP

2

By _____

3

Katherine K. Liner
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PROOF OF SERVICE

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 300 South Grand Avenue, Twenty-Second Floor, Los Angeles, California 90071-3132.

On **March 4, 2011**, I served the within document(s):

JOINT STIPULATION AND (PROPOSED) ORDER PURSUANT TO RULE OF COURT 2.251 TO CONFIRM AGREEMENT TO ACCEPT ELECTRONIC SERVICE AND AGREEMENT TO DESIGNATE AN E-SERVICE PROVIDER

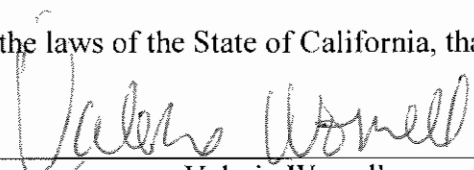
- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
- by causing the document(s) listed above to be personally delivered to the person(s) at the address(es) set forth below.
- by transmitting via electronic mail the document(s) listed above to each of the person(s) as set forth below (*as indicated*).

See Attached Service List

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on **March 4, 2011**, at Los Angeles, California.

I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct.



 Valerie Worrell

Thorpe Insulation Co. v. Argonaut Ins. Co.
Cal. Sup. Ct., San Francisco Cty., No. CGC-05-446682
Judicial Council Proceeding No. 4458
Thorpe Asbestos Coverage Cases Service List

| <u>Counsel</u> | <u>Party</u> | <u>Counsel</u> | <u>Party</u> |
|---|--|---|---|
| Janet A. Shapiro, Esq. THE SHAPIRO LAW FIRM 212 South Gale Drive Beverly Hills, California 90211 Telephone: 323.852.0333 Facsimile: 323.852.0336 E-mail: jshapiro@shapirolawfirm.com | General Insurance Company of America | Rodney L. Eshelman, Esq. Robert Binion, Esq. CARROLL BURDICK & MCDONOUGH LLP 44 Montgomery Street, Suite 400 San Francisco, California 94104 Telephone: 415.989.5900 Facsimile: 415.989.0932 E-mail: rode@cbmlaw.com rbinion@cbmlaw.com | NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, as successor-by-merger to Transcontinental Insurance Company |
| John A. Lapinski, Esq. CLARK & TREVITHICK PC 800 Wilshire Boulevard, 12th Floor Los Angeles, California 90017 Telephone: 213.629.5700 Facsimile: 213.624.9441 E-mail: jlapinski@clarkrev.com | Pacific Insulation Company Farwest Insulation Contracting | William P. Shelley, Esq. COZEN O'CONNOR 1900 Market Street Philadelphia, PA 19103 Telephone: 215.665.4142 Facsimile: 215.701.2442 E-mail: wshelley@cozen.com | Pacific Indemnity Company |
| Charles E. Wheeler, Esq. COZEN O'CONNOR 501 West Broadway, Suite 1610 San Diego, California 92101 Telephone: 619.234.1700 Facsimile: 619.234.7831 E-mail: cwheeler@cozen.com | Pacific Indemnity Company | Bruce Winkelman, Esq. CRAIG & WINKELMAN 2001 Addison Street, Suite 300 Berkeley, California 94704 Telephone: 510.549.3311 Facsimile: 510.217.5894 E-mail: bwinkelman@craig-winkelman.com | Employers Re Corporation (ERC); Westport Insurance Corporation (Puritan) |
| Steven D. Allison, Esq. DORSEY & WHITNEY LLP 38 Technology Drive, Suite 100 Irvine, California 92618 Telephone: 949.932.3695 Facsimile: 949.932.3601 Email: allison.steven@dorsey.com | Nationwide; Employers Insurance of Wausau | Philip r. Matthews, Esq. Paul J. Killion, Esq. DUANE MORRIS LLP One Market Plaza Spear Street Tower San Francisco, CA 94105 Telephone: 415.957.3000 Facsimile: 415.957.3001 Email: PRMatthews@duanemorris.com PKillion@duanemorris.com | Great American Insurance Company Republic Indemnity Company of America |
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Thorpe Insulation Co. v. Argonaut Ins. Co.
Cal. Sup. Ct., San Francisco Cty., No. CGC-05-446682
Judicial Council Proceeding No. 4458
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California Union Insurance Company
Central National Insurance Company
Motor Vehicle Casualty Company

Thorpe Insulation Co. v. Argonaut Ins. Co.
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Trial Judge

Petitioners;
Employers Reinsurance Company (ERC)
and Westport Insurance Company

Petitioners;
Employers Reinsurance Company (ERC)
and Westport Insurance Company

NOTE: Attorneys in Bold represent the "Remaining Insurers"

Thorpe Insulation Co. v. Argonaut Ins. Co
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