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 9 and Plaintiff New York Marine and
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10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
 12

13 Travelers Commercial Insurance
 14 Company, a Connecticut Corporation,
 15 Plaintiff,

16 v.

17 New York Marine and General
 Insurance Company, a Delaware
 18 Corporation,
 19 Defendant.

Case No. 2:21-cv-5832-GW (PDx)
 Consolidated for Pre-Trial Purposes
 with 2:22-CV-04685-GW (PDx)

JOINT SCHEDULING REPORT

Hon. George H. Wu

20 New York Marine and General
 21 Insurance Company, a Delaware
 corporation
 22 Counter-Claimant

23 v.

24 Travelers Commercial Insurance
 25 Company, a Connecticut corporation,
 26 Counter-Defendant

1 Pursuant to the Court’s December 1, 2022 Order following Joint Scheduling
2 Conference, Plaintiff and Counterdefendant Travelers Commercial Insurance
3 Company (“Travelers”), Defendant, Counterclaimant, and Plaintiff New York Marine
4 and General Insurance Company’s (“NY Marine”), and Defendant Amber Heard have
5 met and conferred with regard to scheduling for this matter and by and through their
6 undersigned counsel, and hereby submit this Joint Scheduling Report.

7 **A. Background**

8 At the December 1, 2022 Joint Scheduling Conference and in its December 1,
9 2022 Order, the Court granted leave to file any motion challenging the jurisdiction
10 of the Court by January 5, 2023, with any motion for judgment on the pleadings and/or
11 stay by January 13, 2022. Also at the hearing, NY Marine indicated that it intended
12 to file a motion to dismiss the counterclaim filed by Heard in consolidated case no.
13 2:22-CV-04685-GW (PDx).

14 On January 5, 2022, the parties met and conferred to discuss potential motions
15 and issues, including any issues concerning the jurisdiction of this Court, NY
16 Marine’s proposed motion to dismiss Heard’s counterclaim against NY Marine;
17 Heard’s intended motion for judgment on the pleadings; and a potential stipulation
18 between Travelers and NY Marine for NY Marine to file an amended pleading in this
19 action. Heard and NY Marine agreed to an extension of time to respond.

20 On December 13, 2022, this Court granted Heard’s and NY Marine’s
21 Stipulation Extending Time for NY Marine to Respond to Heard’s Counterclaim.

22 On or about December 16, 2022, Heard resolved the underlying litigation out
23 of which these matters arise (the “Underlying Action”). Thereafter, following
24 additional meet and confer efforts between Heard and NY Marine and in light of the
25 resolution of the Underlying Action, Heard advised NY Marine that she would be
26 amending her Counterclaim to reflect the resolution of the Underlying Action and to
27 address certain issues raised by NY Marine during the parties meet and confer efforts.

28 Heard’s Amended Counterclaim was filed on January 13, 2023. As a result, NY

1 Marine’s Response to Heard’s Amended Counterclaim is due no later than February
2 3, 2023.

3 Also on January 13, 2023, NY Marine filed its Stipulation for Leave to File An
4 Amended Answer to Travelers’ First Amended Complaint and Amended
5 Counterclaim, along with a proposed Order. On January 18, 2023, the Court granted
6 NY Marine leave to file its Amended Answer to Travelers’ First Amended Complaint
7 and Amended Counterclaim. Travelers’ Response to NY Marine’s Amended Answer
8 to Travelers’ First Amended Complaint and Amended Counterclaim, if permitted by
9 this Court, will be due twenty days after filing of the Amended Answer and Amended
10 Counterclaim.

11 **B. Parties’ Position On Scheduling**

12 In light of the foregoing, the parties agree that responses to the amended
13 pleadings in both the ‘5832 and ‘0468 actions will not be filed before early or mid-
14 February 2023. Further, NY Marine also anticipates—though its position is not yet
15 final—that it will likely respond to Heard’s Amended Counterclaim with a motion to
16 dismiss. Heard likewise anticipates that to the extent NY Marine’s Motion to Dismiss
17 her Counterclaim is not successful, that she may file a motion for Judgment on the
18 Pleadings following the close of the pleadings in the ‘0468 action.

19 Nevertheless, in light of the foregoing and given the resolution of the
20 Underlying Action, the parties are now in agreement that there is no basis for a further
21 stay of this litigation. Accordingly, the parties respectfully request that the Court lift
22 the present stay of discovery and enter an appropriate scheduling order.

23 **C. Proposed Agreed Modified Pre-Trial Dates**

24 If the Court determines that it is appropriate to lift the stay presently entered in
25 these actions and to enter a scheduling order, the parties propose the following pretrial
26 timeline:

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PROOF OF SERVICE

Travelers Commercial Insurance Company v. New York Marine and General Insurance Company

STATE OF CALIFORNIA, COUNTY OF FRESNO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Fresno, State of California. My business address is 7647 North Fresno Street, Fresno, CA 93720.

On January 18, 2023, I served true copies of the following document(s) described as **JOINT SCHEDULING REPORT** on the interested parties in this action as follows:

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BY CME/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on January 18, 2023, at Fresno, California.

/s/ Marisela Taylor
Marisela Taylor