

AUG 19 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FRU-CON CONSTRUCTION
CORPORATION, a Missouri corporation,

Plaintiff - Appellant,

and

TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA,

Plaintiff,

v.

SACRAMENTO MUNICIPAL UTILITY
DISTRICT, a municipal utility district,

Defendant - Appellee.

No. 09-17078

D.C. No. 2:05-cv-00583-LKK-
GGH

MEMORANDUM*

FRU-CON CONSTRUCTION
CORPORATION, a Missouri corporation,

Plaintiff,

and

TRAVELERS CASUALTY AND

No. 09-17123

D.C. No. 2:05-cv-00583-LKK-
GGH

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

SURETY COMPANY OF AMERICA,

Plaintiff - Appellant,

v.

SACRAMENTO MUNICIPAL UTILITY
DISTRICT, a municipal utility district,

Defendant - Appellee.

Appeal from the United States District Court
for the Eastern District of California
Lawrence K. Karlton, Senior District Judge, Presiding

Argued and Submitted July 14, 2010
San Francisco, California

Before: FERNANDEZ, W. FLETCHER and TALLMAN, Circuit Judges.

Plaintiffs-Appellants appeal the district court's order issuing a stay pursuant to *Colorado River Water Conservation District v. United States*, 424 U.S. 800 (1976). We affirm.

The district court did not abuse its discretion given that a jury verdict had been reached in the parallel state court proceedings, that the claims arise under state law, and that the state court proceedings were adequate to protect the interests of the parties. *See Nakash v. Marciano*, 882 F.2d 1411, 1413-15 (9th Cir. 1989).

AFFIRMED.