

1 Matthew W. Quall, #183759
 2 Kimberly A. Horiuchi, #214869
 3 Lang, Richert & Patch
 4 Post Office Box 40012
 5 Fresno, California 93755-0012
 6 (559) 228-6700 Phone
 7 (559) 228-6727 Fax

8 Attorneys for Plaintiff and Counter-Defendant JOHN C. BRISBIN, an individual,
 9 dba CONSTRUCTION DEVELOPMENT SYSTEMS and Counter-Defendant
 10 WESTERN SURETY COMPANY

11 UNITED STATES DISTRICT COURT
 12 EASTERN DISTRICT OF CALIFORNIA

13 JOHN C. BRISBIN, an individual, dba
 14 CONSTRUCTION DEVELOPMENT
 15 SYSTEMS,

16 Plaintiff,

17 v.

18 VULCAN MATERIALS COMPANY, a New
 19 Jersey corporation; and DOES 1 through 100,
 20 inclusive,

21 Defendants.

22 AND RELATED COUNTERCLAIMS.

Case No. 1:11-cv-00568-AWI-SKO

**STIPULATION AND ORDER
 REGARDING THE PROPER NAME
 OF DEFENDANT**

23 Plaintiff and Counter-Defendant JOHN C. BRISBIN, an individual, dba CONSTRUCTION
 24 DEVELOPMENT SYSTEMS (“Plaintiff”) and Defendant and Counter-Claimant CALMAT CO.
 25 dba VULCAN MATERIALS COMPANY - WESTERN DIVISION (“VULCAN”) hereby agree
 26 and stipulate as follows:

RECITALS

27 WHEREAS Plaintiff filed the original Complaint in the Superior Court of California,
 28 County of Fresno, Case No. 11CECG00727 (hereinafter “State Court Action”), on March 7, 2011.

WHEREAS VULCAN removed the State Court Action to this Court and filed an Answer
 and Counterclaim.

1 IT IS HEREBY STIPULATED by and between the Parties, through their respective
2 attorneys of record, that the proper name of Defendant is CALMAT CO. dba VULCAN
3 MATERIALS COMPANY - WESTERN DIVISION (not VULCAN MATERIALS COMPANY,
4 a New Jersey corporation).

5 Dated: July 1, 2011

6 LANG, RICHERT & PATCH, P.C.

7
8 By: /s/ Matthew W. Quall
9 Matthew W. Quall
10 Attorneys for Plaintiff and Counter-Defendant
11 JOHN C. BRISBIN, an individual, dba
CONSTRUCTION DEVELOPMENT SYSTEMS
and Counter-Defendant WESTERN
SURETY COMPANY

12 Dated: July 1, 2011

13 LIPSCHULTZ & SCHERAGO LLP

14
15 By: /s/ James D. Lipschultz
16 James D. Lipschultz
17 Attorneys for Defendant and Counter-Claimant
18 CALMAT CO. dba VULCAN
19 MATERIALS COMPANY - WESTERN
DIVISION

20 **ORDER**

21 IT IS SO ORDERED.

22 **Dated: July 6, 2011**

23 /s/ Sheila K. Oberto
24 UNITED STATES MAGISTRATE JUDGE
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