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Attorneys for Counter-Defendant WESTERN SURETY COMPANY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

JOHN C. BRISBIN, an individual, dba
CONSTRUCTION DEVELOPMENT
SYSTEMS,

Plaintiff,

v.

CALMAT CO., VULCAN MATERIALS
COMPANY – WESTERN DIVISION; and
DOES 1 through 100, inclusive,

Defendants.

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

**STIPULATION TO CONTINUE
MANDATORY SETTLEMENT
CONFERENCE AND ORDER THEREON**

CALMAT CO., dba VULCAN MATERIALS
COMPANY-WESTERN DIVISION,

Counter-Claimant,

v.

JOHN C. BRISBIN, an individual, dba
CONSTRUCTION DEVELOPMENT
SYSTEMS; WESTERN SURETY COMPANY,
a South Dakota corporation,

Counter-Defendants.

Plaintiff and Counter-Defendant John C. Brisbin by and through his attorney David
Douglas Doyle; Defendant and Counter-Claimant Vulcan Materials Company, by and through its

1 attorney of record James D. Lipschultz and Counter-Defendant Western Surety Company, by and
2 through its attorney of record James Burnside, III, hereby stipulate as follows:

3 WHEREAS, there is currently a Mandatory Settlement Conference set for January 8,
4 before the Honorable Magistrate Judge Oberto at 10:30 a.m. in Courtroom 7; and

5 WHEREAS, Plaintiff's counsel David Douglas Doyle of Doyle & Schallert substituted in
6 for Matthew W. Quall of Lang, Richert & Patch as counsel on December 3, 2012 and James
7 Burnside of Dowling Aaron Incorporated, substituted in as counsel for Western Surety Company
8 on December 2, 2012. Neither Mr. Doyle nor Mr. Burnside has had sufficient time to evaluate
9 the case and be prepared for the MSC, the parties stipulate as follows:

- 10 1. That the date for the Mandatory Settlement Conference be rescheduled to March
11 8, 2013, at 10:00 a.m.
- 12 2. This stipulation does not preclude any party from moving to continue the trial and
13 any related dates.

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15 IT IS SO STIPULATED:

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17 Dated: January 2, 2013

DOYLE & SCHALLERT.

18
19 By /s/ David Douglas Doyle, Esq. _____
20 David Douglas Doyle, Esq.
21 Attorneys for Plaintiff and
22 Counter-Defendant JOHN C.
BRISBIN, an individual, dba
CONSTRUCTION DEVELOPMENT
SYSTEMS

23
24 Dated: December 31, 2012

DOWLING AARON INC.

25
26 By /s/ James D. Burnside, Esq. _____
27 James D. Burnside, Esq.
28 Attorneys for Counter-Defendant
WESTERN SURETY COMPANY

1 Dated: January 2, 2013

2 LIPSCHULTZ & SCHERAGO, LLP.

3
4 By /s/ James D. Lipschultz, Esq. _____
5 James D. Lipschultz, Esq.
6 Attorneys for Defendants
7 VULCAN MATERIALS COMPANY

8 **ORDER**

9 Based on the parties' Stipulation, it is hereby ORDERED that the Settlement Conference
10 currently set for January 8, at 10:30 a.m. be rescheduled to **March 8, 2013, at 10:00 a.m.**
11 in Courtroom 7.

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16 IT IS SO ORDERED.

17 Dated: January 2, 2013

18 /s/ Sheila K. Oberto
19 UNITED STATES MAGISTRATE JUDGE

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