

1 WULFSBERG REESE COLVIG & FIRSTMAN  
 2 PROFESSIONAL CORPORATION  
 3 H. James Wulfsberg - 046192  
 4 Stephen L. Cali - 133923  
 5 David J. Hyndman - 193944  
 6 Kaiser Center  
 7 300 Lakeside Drive, 24th Floor  
 8 Oakland, CA 94612-3524  
 9 Telephone: (510) 835-9100  
 10 Facsimile: (510) 451-2170

(SPACE BELOW FOR FILING STAMP ONLY)

11 LANG, RICHERT & PATCH  
 12 Mark L. Creede - 128418  
 13 Matthew W. Quall - 183759  
 14 Fig Garden Financial Center  
 15 5200 North Palm Avenue, Fourth Floor  
 16 Fresno, CA 93704  
 17 Telephone: (559) 228-6700  
 18 Facsimile: (559) 228-6727

19 Attorneys for Plaintiff  
 20 BLACK & VEATCH CORPORATION

21 Stephen E. Carroll, #116333  
 22 McCormick, Barstow, Sheppard,  
 23 Wayte & Carruth LLP  
 24 P.O. Box 28912  
 25 5 River Park Place East  
 26 Fresno, CA 93720-1501  
 27 Telephone: (559) 433-1300  
 28 Facsimile: (559) 433-2300

Attorneys for Defendant  
 MODESTO IRRIGATION DISTRICT

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

BLACK & VEATCH CORPORATION,  
 Plaintiff,  
 v.  
 MODESTO IRRIGATION DISTRICT,  
 Defendant.

Case No. 1:11-cv-00695 LJO SKO

**STIPULATION AND ORDER  
 REGARDING CONTINUANCE OF  
 AUGUST 2, 2011 SCHEDULING  
 CONFERENCE**

Defendant MODESTO IRRIGATION DISTRICT (hereinafter "Defendant") and Plaintiff

1 BLACK & VEATCH CORPORATION (hereinafter "Plaintiff") by and through their undersigned  
2 counsel hereby stipulate and agree as follows:

3 1. The Scheduling Conference in this case is currently scheduled for August 2, 2011  
4 at 9:30 a.m. The parties all agree and hereby stipulate that the Scheduling Conference should be  
5 continued because (1) Defendant will file a Third Party Complaint on or before August 8, 2011  
6 and (2) the City of Modesto is expected to file a Complaint-in-Intervention. No prior extensions  
7 of time have been requested.

8 2. The parties agree and stipulate that a meaningful Scheduling Conference cannot  
9 take place until such time as Defendant files its Third Party Complaint and the City of Modesto  
10 files its Complaint-in-Intervention.

11 The parties are all available for a continued Scheduling Conference on September 27,  
12 2011 at 9:30 a.m. and it is anticipated that Defendant's Third Party Complaint and the City of  
13 Modesto's Complaint-in-Intervention will be filed before this time.

14 The September 27, 2011 scheduling conference date and time agreed upon above was  
15 cleared by a court room deputy clerk.

16 THEREFORE, for the reasons set forth above, the parties hereby stipulate and agree that  
17 the August 2, 2011 Scheduling Conference be continued to September 27, 2011 at 9:30 a.m. In  
18 addition, the Joint Scheduling Conference Report shall be due on September 20, 2011 and the  
19 Rule 26(a)(1) Initial Disclosures will be due on September 20, 2011. The due date for Rule  
20 26(a)(1) Initial Disclosures also applies to any newly-joined parties brought in under the filings  
21 contemplated by Paragraph 1 of this Stipulation.

22 Dated: July 20, 2011

23 McCORMICK, BARSTOW, SHEPPARD,  
24 WAYTE & CARRUTH LLP

25 By: /s/ Stephen E. Carroll (as authorized on 7/20/11)

26 Stephen E. Carroll  
27 Attorneys for Defendant  
28 MODESTO IRRIGATION DISTRICT

1 Dated: July 20, 2011

WULFSBERG REESE COLVIG &  
FIRSTMAN

2  
3 By: /s/ J. James Wulfsberg (as authorized on 7/20/11)

4 H. James Wulfsberg  
5 Stephen L. Cali  
6 David J. Hyndman  
7 Attorneys for Plaintiff  
BLACK & VEATCH CORPORATION

8 Dated: July 20, 2011

LANG, RICHERT & PATCH

9  
10 By: /s/ Mark L. Creede (as authorized on 7/20/11)

11 Mark L. Creede  
12 Matthew W. Quall  
13 Attorneys for Plaintiff  
BLACK & VEATCH CORPORATION

14 **ORDER OF THE COURT**

15 Pursuant to the STIPULATION of the parties and GOOD CAUSE appearing, it is hereby  
16 ORDERED as follows:

17 (1) The Scheduling Conference currently set for August 2, 2011 at 9:30 a.m. is hereby  
18 continued until **September 27, 2011 at 9:30 a.m.**

19 (2) The Joint Scheduling Conference Report shall be due on September 20, 2011.

20 (3) The Rule 26(a)(1) Initial Disclosures shall be due on September 20, 2011. The  
21 due date for Rule 26(a)(1) Initial Disclosures also applies to any newly-joined parties brought in  
22 under the filings contemplated by Paragraph 1 of the parties' Stipulation.

23  
24 IT IS SO ORDERED.

25 Dated: July 25, 2011

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE