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5 Attorneys for Defendant in Intervention,
 Counter-Claimant and Cross-Claimant CITY OF MODESTO

6
 7 **IN THE UNITED STATES DISTRICT COURT**
 8 **IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA**
 9 **FRESNO DIVISION**

11	BLACK & VEATCH CORPORATION,)	CASE NO. 1:11-cv-00695 LJO SKO
12	Plaintiff,)	
13	v.)	STIPULATION AND ORDER FOR
14	MODESTO IRRIGATION DISTRICT,)	FILING OF AMENDED ANSWER OF
15	Defendant,)	CITY OF MODESTO TO ASSERT
16	_____)	CROSS-CLAIM AGAINST WESTERN
17	MODESTO IRRIGATION DISTRICT,)	SUMMIT CONSTRUCTORS, INC.
18	Counterclaimant,)	
19	v.)	
20	BLACK & VEATCH CORPORATION,)	
21	Counterdefendant,)	
22	_____)	
23	CITY OF MODESTO,)	
24	Cross-Claimant,)	
25	v.)	
26	WESTERN SUMMIT CONSTRUCTORS,)	
27	INC.)	
28	Cross-Defendant.)	
	_____)	



1 IT IS HEREBY STIPULATED by and between the City of Modesto (“City”) and Western
2 Summit Constructors, Inc. (“WSCCI”) through their respective attorneys of record that Defendant in
3 Intervention, City, may file an Amended Answer to include a cross-claim against WSCCI.

4 The parties’ Stipulation is based on the Parties’ intention to safeguard the court’s time and
5 resources by filing only necessary motions. However, WSCCI does not stipulate to the propriety or
6 merit of the claims the City proposes to make against WSCCI. Accordingly, the Stipulation is based
7 upon the Parties’ understanding and agreement that by entering into Stipulation WSCCI does not
8 waive, and instead fully reserves, its rights to assert all defenses of any kind to the City’s cross-claim,
9 as well as raise and make all available legal and factual challenges and motion to the City’s cross-
10 claim.

11 Dated: March 26, 2012

DAVIDOVITZ & BENNETT LLP

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13 By: /s/ Patricia S. Lakner

14 MORIS DAVIDOVITZ
15 PATRICIA S. LAKNER
ATTORNEYS FOR CITY OF MODESTO

16 Dated: March 26, 2012

DIEPENBROCK ELKIN LLP

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19 By: /s/ Eileen M. Diepenbrock

20 EILEEN M. DIEPENBROCK
21 ATTORNEYS FOR WESTERN SUMMIT
CONSTRUCTORS, INC.

22 **ORDER**

23 Pursuant to the above stipulation of the parties, City of Modesto may amend its answer to
24 include a cross-claim against Western Summit Constructors, Inc. The cross-claim currently on the
25 docket (Doc. 87) filed by City of Modesto shall be deemed filed as of the date of this order.

26
27 IT IS SO ORDERED.

28 Dated: March 27, 2012

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE