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6 Attorneys for Plaintiff
 SURETEC INSURANCE COMPANY

8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**
 10 **SACRAMENTO DIVISION**

11 SURETEC INSURANCE
 12 COMPANY, a Texas corporation,

13 Plaintiff,

14 v.

15 RGW CONSTRUCTION, INC., a
 16 California corporation,

17 Defendants.

Case No. 2:11-cv-02183 JAM GGH

**STIPULATION AND ORDER
 STAYING ACTION**

18 Based upon the settlement of the parties, Plaintiff SURETEC INSURANCE
 19 COMPANY (“SureTec”) and Defendant RGW CONSTRUCTION, INC. (“RGW”)
 20 (collectively, “Parties”) hereby submit this stipulated request that the instant action
 21 (“Action”) be stayed for sixty (60) days, and respectfully request the Court’s
 22 approval, as follows:

23 1. The Parties have entered into a settlement which they have reduced to
 24 a written settlement agreement, and which will require payment made by RGW to
 25 SureTec by December 15, 2011 (“Settlement Amount”).

26 2. The Parties desire to avoid incurring unnecessary litigation costs or
 27 attorneys’ fees prior to RGW’s payment and SureTec’s receipt of the Settlement
 28 Amount.

1 3. Accordingly, the Parties respectfully request that any upcoming
2 deadlines be continued for sixty (60) days, pending the Parties' satisfaction of all
3 terms under the above-referenced settlement agreement.

4 4. The Parties respectfully request that the sixty (60) day stay apply to all
5 upcoming deadlines, including, but not limited to, the following:

6 a. The filing of the Joint Status Report pursuant to *Federal Rules*
7 *of Civil Procedure* 26(f); and

8 b. The Court's issuance of a Scheduling Order.

9 5. This stay will be automatically lifted on January 9, 2012.

10 Dated: November __, 2011

11 WATT, TIEDER, HOFFAR
& FITZGERALD, L.L.P.

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13 _____
14 By: Rebecca S. Glos
Attorneys for Plaintiff
SURETEC INSURANCE COMPANY

15 Dated: November __, 2011

16 PARTON | SELL | RHOADES

17 _____
18 By: James E. Sell
Attorneys for Defendant
RGW CONSTRUCTION, INC.

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20
21 **ORDER**

22 Based upon the foregoing Stipulation and for good cause appearing therefore,
23 IT IS HEREBY ORDERED that:

24 1. The instant Action be stayed for sixty (60) days until January 9, 2012;

25 2. This Action shall be stayed pending completion of the Parties'
26 obligations under a written settlement agreement; and

27 3. In the event the Parties are unable to effect settlement prior to January
28 29, 2012, deadlines for the following events will be reinstated:

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a. The filing of the Joint Status Report pursuant to *Federal Rules of Civil Procedure* 26(f): February 29, 2012.

IT IS SO ORDERED.

/s/ John A. Mendez
U. S. DISTRICT COURT JUDGE

DATED: November 14, 2011

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PROOF OF SERVICE

I, Breean Cordova, declare:

I am a citizen of the United States and employed in Orange County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 2040 Main Street, Suite 300, Irvine, California 92614. On November 11, 2011, I served a copy of the within document(s):

**STIPULATION AND [PROPOSED] ORDER
STAYING ACTION**

**TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC
FILING (“ECF/PACER”)**

James E. Sell, Esq.
Parton, Sell, Rhoades
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San Rafael, CA 94901
Phone: (415) 258-9700
Email: jsell@partonsell.com

Attorneys for Defendant
RGW CONSTRUCTION, INC.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on November 11, 2011, at Irvine, California.

Breean Cordova