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 9 Avcon Constructors, Inc.

10 **UNITED STATES DISTRICT COURT**  
 11 **EASTERN DISTRICT OF CALIFORNIA**

12 UNITED STATES GOVERNMENT  
 13 FOR THE USE AND BENEFIT OF  
 14 AVCON CONSTRUCTORS, INC.,

Case No.: 16-cv-00478-TLN-KJN

**STIPULATION TO EXTEND  
 DISCOVERY DEADLINES**

Plaintiff,

v.

15 K.O.O CONSTRUCTION INC.;;  
 16 TRAVELERS CASUALTY AND  
 17 SURETY COMPANY; and DOES 1-50

Defendants.

18  
 19 The parties to this action hereby stipulate and  
 20 agree to extend the discovery cutoff dates in this  
 21 action for 90 days. Good cause exists for doing so,  
 22 because the law office of Borba Frizzell & Kerns  
 23 representing plaintiff, AVCON CONSTRUCTORS, Inc.,  
 24 located in Santa Rosa, was significantly impacted by  
 25 the destructive fires in and around Santa Rosa. Not  
 26 only was the office closed or functioning in just a  
 27 limited capacity during the fires, but a Shareholder,  
 28 Kristen Frizzell Kerns, who is the attorney who handles

1 the day to day activities of this matter and a  
2 paralegal, suffered severe property loss as well, which  
3 caused continuing disruption after the fires as well.

4           The parties realize that this is the second  
5 extension of time stipulated in this case. The parties  
6 have agreed to mediate the case and are working on the  
7 selection of a mediator. If the case is not resolved  
8 through mediation, the parties commit to work co-  
9 operatively in good faith between themselves and with  
10 the Court to solve any problems that may arise out of  
11 this unforeseen setback to the prosecution of this  
12 lawsuit. Trial in this matter is set for October 15,  
13 2018. The parties are not seeking a continuance of the  
14 trial date.

15           The deadline to complete discovery, as set forth in  
16 the Stipulation to Extend Discovery Deadlines and Order  
17 dated October 17, 2017 (Docket no. 17), is therefore  
18 stipulated to be continued from January 16, 2018 to  
19 April 13, 2018.

20           The deadline for designating expert witnesses as  
21 set in the Stipulation to Extend Discovery Deadlines  
22 and Order dated October 17, 2017 (Docket no. 17) is  
23 stipulated to be continued from March 19, 2018 to April  
24 23, 2018.

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Dated: January 4, 2018

**BORBA FRIZZELL KERNS**

By: /s/ John Borba

John Borba

Attorneys for Plaintiff  
UNITED STATES GOVERNMENT for  
the use and benefit of AVCON  
CONSTRUCTORS, INC.

Dated: January 4, 2018

**REYNOLDS MADDUX WOODWARD**

By: /s/ Arthur Woodward

Arthur Woodward

Attorneys for Defendant  
K.O.O. CONSTRUCTION, INC.

Dated: January 4, 2018

**SMTD LAW LLP**

By: /s/ Edward R. Stepan

Michael J. Timpane

Edward R. Stepan

Attorney for Defendant  
TRAVELERS CASUALTY AND  
SURETY COMPANY OF AMERICA

**IT IS SO ORDERED.**

Dated: January 11, 2018



Troy L. Nunley  
United States District Judge