

1 D. MICHAEL SCHOENFELD, SBN 102332
 J. SCOTT ALEXANDER, SBN 190034
 2 MIKHAIL PARNES
 MURPHY AUSTIN ADAMS SCHOENFELD LLP
 3 555 Capitol Mall, Suite 850
 Sacramento, California 95814
 4 Telephone: (916) 446-2300
 Facsimile: (916) 503-4000
 5 Email: mschoenfeld@murphyaustin.com
 Email: salexander@murphyaustin.com
 6 Email: mparnes@murphyaustin.com

7 Attorneys for Defendants
 MCM CONSTRUCTION, INC., A. TEICHERT &
 8 SON, INC. d/b/a TEICHERT CONSTRUCTION,
 TEICHERT/MCM, LIBERTY MUTUAL
 9 INSURANCE COMPANY, and TRAVELERS
 CASUALTY AND SURETY COMPANY OF
 10 AMERICA

11 UNITED STATES DISTRICT COURT
 12 EASTERN DISTRICT OF CALIFORNIA
 13

14 MABEY INC., a Maryland corporation,
 15
 Plaintiff,

16 v.

17 MCM CONSTRUCTION, INC., a
 18 California corporation, CITY OF TRACY,
 CALIFORNIA, TEICHERT/MCM, a
 19 California joint venture, A. TEICHERT &
 SON, INC. d/b/a TEICHERT
 20 CONSTRUCTION, a California
 corporation, LIBERTY MUTUAL
 21 INSURANCE COMPANY, a
 Massachusetts corporation, and
 22 TRAVELERS CASUALTY AND
 SURETY COMPANY OF AMERICA, a
 23 Connecticut corporation,

24 Defendants.
 25

Case No. 2:16-cv-02639-JAM-DB

**JOINT STIPULATION TO STAY
 PROCEEDINGS FOR SIXTY (60) DAYS**

26 The undersigned counsel, representing Plaintiff Mabey Inc. and the Defendants named in
 27 the action, hereby jointly stipulate to a limited stay of proceedings for a period of sixty (60)
 28 calendar days, through February 14, 2017. The stay is needed to allow the parties to engage in

1 settlement discussions. Plaintiff Mabey Inc. and Defendant MCM Construction, Inc., have
 2 executed an agreement requiring MCM Construction, Inc. to make certain payments to Mabey
 3 over the next 60 days and have agreed to an in-person meeting for the specific purpose of
 4 negotiating a final resolution. The Parties are optimistic that a final settlement will be achieved.
 5 A stay of the pending litigation would facilitate the settlement because it would allow the parties
 6 to limit their expenditure of attorney's fees and costs addressing the requirements of the litigation
 7 while settlement negotiations are underway.

8 The Parties have agreed that any party may request to lift the stay of proceedings after
 9 giving at least seven calendar days written notice to counsel for the other parties.

10 Upon the expiration of the stay of proceedings, whether by the passage of time or order of
 11 the Court, Defendants shall have ten business days from the cessation of the stay to file any
 12 responsive pleadings.

13 IT IS SO STIPULATED.

14 Dated: December 16, 2016

_____/S/_____
 15

BRIAN P. WAAGNER

Attorney for Plaintiff MABEY INC.

16 Dated: December 16, 2016

OFFICE OF THE CITY ATTORNEY
 CITY OF TRACY

By: ____/S/_____
 17

BILL SARTOR

City Attorney

Attorney for Defendant CITY OF TRACY

18 Dated: December 16, 2016

MURPHY AUSTIN ADAMS SCHOENFELD LLP

By: ____/s/_____
 21

D. MICHAEL SCHOENFELD

J. SCOTT ALEXANDER

MIKHAIL PARNES

Attorneys for Defendants

MCM CONSTRUCTION, INC., A. TEICHERT &
 SON, INC. d/b/a TEICHERT CONSTRUCTION,
 TEICHERT/MCM, LIBERTY MUTUAL
 INSURANCE COMPANY, and TRAVELERS
 CASUALTY AND SURETY COMPANY OF
 AMERICA

1 IT IS SO ORDERED.

2
3
4 Dated: 12/16/ 2016

/s/ John A. Mendez
Hon. John A. Mendez, District Court Judge