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12 Attorneys for Plaintiff MABEY INC.

13  
 14 UNITED STATES DISTRICT COURT  
 15 EASTERN DISTRICT OF CALIFORNIA

17 MABEY INC., a Maryland corporation,  
 18 Plaintiff,

19 v.

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

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

**JOINT STIPULATION TO STAY  
 PROCEEDINGS**

1           The undersigned counsel, representing Plaintiff Mabey Inc. and the Defendants named in  
2 the action, hereby jointly stipulate to a further limited stay of proceedings through March 6, 2017  
3 and an extension of the deadline for responsive pleadings to March 16, 2017. This Court  
4 previously granted the Parties a 60-day stay to permit settlement negotiations. See ECF No. 19  
5 (Order).

6           A further stay is needed to allow the parties to continue ongoing settlement discussions.  
7 Representatives of Plaintiff Mabey, Inc. and Defendant MCM Construction, Inc. met in person on  
8 February 14, 2017, for the purpose of engaging in settlement discussions. While no settlement  
9 was reached at this meeting, counsel for the Parties have subsequently continued settlement  
10 discussions, including e-mails exchanged on February 22<sup>nd</sup>, and the Parties are optimistic that a  
11 final settlement can be achieved in the next 10 calendar days. A stay of the pending litigation  
12 would facilitate settlement because it would allow the parties to limit their expenditure of  
13 attorney's fees and costs addressing the requirements of the litigation while settlement  
14 negotiations are underway.

15           IT IS SO STIPULATED.

1 Dated: February 24, 2017

HUSCH BLACKWELL LLP

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/s/ Brian Waagner

BRIAN P. WAAGNER

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Attorney for Plaintiff MABEY INC.

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5 Dated: February 23, 2017

OFFICE OF THE CITY ATTORNEY  
CITY OF TRACY

6

By: /s/ Bill Sartor

BILL SARTOR

7

City Attorney

Attorney for Defendant CITY OF TRACY

8

9 Dated: February 23, 2017

MURPHY AUSTIN ADAMS SCHOENFELD LLP

10

11

By: /s/ D. Michael Schoenfeld

D. MICHAEL SCHOENFELD

12

J. SCOTT ALEXANDER

13

MIKHAIL PARNES

Attorneys for Defendants

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MCM CONSTRUCTION, INC., A. TEICHERT &  
SON, INC. d/b/a TEICHERT CONSTRUCTION,

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TEICHERT/MCM, LIBERTY MUTUAL

INSURANCE COMPANY, and TRAVELERS

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CASUALTY AND SURETY COMPANY OF  
AMERICA

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IT IS SO ORDERED.

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20 Dated: 2/24/2017

/s/ John A. Mendez

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Hon. John A. Mendez, U. S. District Court Judge

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