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UNITED STATES OF AMERICA for the use and benefit of SHEPHARD MECHANICAL CONTRACTORS, INC., and SHEPHARD MECHANICAL CONTRACTORS, INC.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

THE UNITED STATES OF AMERICA, for the use and benefit of SHEPHARD MECHANICAL CONTRACTORS, INC., a California Corporation, and SHEPHARD MECHANICAL CONTRACTORS, INC.,

Case No.: 2:17-CV-00094-KJN

STIPULATION TO CONTINUE VDRP DEADLINE AND JOINTLY ADMINISTER VDRP REFERRALS; ORDER

STIPULATION TO CONTINUE VDRP DEADLINE

Case No. 2:17-CV-00094-KJN

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Plaintiffs,

v.

K.O.O. CONSTRUCTION, INC., a California Corporation; TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, a Connecticut Corporation,

Defendants.

K.O.O. CONSTRUCTION, INC.

Counterclaimant,

v.

SHEPHARD MECHANICAL CONTRACTORS, INC.,

Counterdefendant.

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Plaintiffs the United States of America, for the use and benefit of Shephard Mechanical Contractors, Inc., and Shephard Mechanical Contractors, Inc., and Defendants K.O.O. Construction, Inc., and Travelers

STIPULATION TO CONTINUE VDRP DEADLINE

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Casualty and Surety Company of America, by and through their counsel of record, hereby stipulate as follows:

WHEREAS the parties have agreed to submit their claims to mediation;

WHEREAS the court's order of June 16, 2017 stayed the action and no discovery has been conducted to date nor initial disclosures served;

WHEREAS the parties have held their Rule 271(j) conference with Mr. Justin Tierney, the assigned VDRP neutral on August 30, 2017;

WHEREAS the parties believe informal discovery would facilitate a successful mediation;

WHEREAS the parties and VDRP neutral have scheduled a further status conference for early October, 2017 at which the parties expect to set a date for mediation;

WHEREAS the ordinary scheduling under Rule 271 would require completion of VDRP prior to October 10, 2017, and is insufficient time for the parties to conduct an informal exchange of documents and information to facilitate mediation;

WHEREAS another action has been filed in this Court against Travelers and K.O.O. Construction, Inc., by DKB, Inc., a subcontractor to Shephard Mechanical Contractors, Inc., for payment for labor and materials provided to the same construction project, *United States of America for the use and benefit of DKB, Inc., v. Travelers Casualty & Surety Company of America; KOO Construction, Inc.*, No. 2:17-at-00698-TLN-EFB, and on August 18, 2017 Travelers filed a Notice of Related Case as docket no. 19 in this matter;

WHEREAS DKB, Inc. and its counsel voluntarily participated in the VDRP status conference with Mr. Tierney;

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WHEREAS the parties and DKB, Inc. believe it would be most efficient for the conduct of the VDRP and the resolution of the claims at issue if both matters were assigned to Mr. Tierney and proceeded in the same VDRP session, and Mr. Tierney indicated to the parties that he would accept the assignment;

THE PARTIES HEREBY STIPULATE AND AGREE, through their undersigned counsel, subject to the Order of the Court, as follows:

1. The time for completion of mediation is extended to January 9, 2018, which is 180 days from the date of the assignment to Mr. Tierney;
2. The parties request that the matter of *United States of America for the use and benefit of DKB, Inc., v. Travelers Casualty & Surety Company of America; KOO Construction, Inc.*, No. 2:17-at-00698-TLN-EFB, be referred to Mr. Tierney as VDRP neutral for a joint session with this matter.

IT IS SO STIPULATED.

DATED: September 1, 2017

COOK BROWN, LLP

By: /s/ Stephen R. McCutcheon, Jr.

STEPHEN R. McCUTCHEON, JR.
Attorneys for Plaintiffs UNITED STATES
OF AMERICA for the Use and Benefit of
SHEPHARD MECHANICAL
CONTRACTORS, INC., and SHEPHARD
MECHANICAL CONTRACTORS, INC.

STIPULATION TO CONTINUE VDRP DEADLINE

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DATED: September 1, 2017

REYNOLDS MADDUX WOODWARD, LLP

By: /s/ Arthur G. Woodward (as auth. on 9/1/17)

ARTHUR G. WOODWARD
Attorneys for Defendant K.O.O.
CONSTRUCTION, INC.

DATED: September 1, 2017

SALAMIRAD, MORROW, TIMPANE
& DUNN LLP

By: /s/ Edward R. Stepans (as auth. on 9/1/17)

EDWARD R. STEPANS
Attorneys for Defendant TRAVELERS
CASUALTY AND SURETY COMPANY
OF AMERICA

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ORDER

PURSUANT TO STIPULATION, IT IS ORDERED.

Dated: September 5, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

STIPULATION TO CONTINUE VDRP DEADLINE

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