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7 Attorneys for Use-Plaintiff/Plaintiff
 URATA AND SONS CONCRETE, INC.

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 9 **UNITED STATES DISTRICT COURT**
 10 **EASTERN DISCTRICT OF CALIFORNIA**

11 URATA AND SONS CONTRETE, INC.
 12 Plaintiff(s)/Petitioner(s),
 13 v.
 14 GILBANE FEDERAL, ET AL.,
 15 Defendant(s)/Respondent(s)

Case No. 2:17-cv-02635-MCE-AC

**STIPULATION AND ORDER
 SUBMITTING CASE TO PRIVATE
 ARBITRATION AND STAYING
 LAWSUIT**

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 17 United States of America for the Use and Benefit of Urata & Sons Concrete, Inc.
 18 (“Urata”), Urata, Gilbane Federal (“Gilbane”) and Travelers Casualty and Surety Company of
 19 America (“Travelers”) (each individually a “Party” and collectively the “Parties”) hereby
 20 stipulate as follows:

21 1. Pursuant to the subcontract between Gilbane and Urata (“Subcontract”), there is an
 22 arbitration clause which governs the disputes set forth in this lawsuit.

23 2. The Parties agree to resolve all of their disputes at issue in this lawsuit, including
 24 any transactionally-related claims by Gilbane against Urata, through binding, private arbitration
 25 in accordance with the Subcontract, with the exception that the arbitration shall be administered
 26 by JAMS in accordance with its Engineering and Construction Arbitration Rules and Procedures.

27 3. Urata’s complaint in this lawsuit shall serve as its demand in arbitration.
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4. The Parties agree that their disputes shall be resolved by a single arbitrator, that arbitration shall be venued in Walnut Creek, California, and that any award shall be a reasoned award.

5. The Parties agree that answering statements shall be filed in the arbitration in response to any demand or counterclaim, which answering statement shall include any applicable affirmative defenses.

6. This lawsuit shall be stayed in its entirety pending the final disposition of the underlying arbitration between the Parties.

7. Any arbitration award shall be subject to confirmation in this lawsuit.

Dated: January 24, 2018

DIEPENBROCK ELKIN GEASON LLP

By: /s/ Eileen M. Diepenbrock
Eileen Diepenbrock
Chris A. McCandless
Jonathan R. Marz
Attorneys for Use Plaintiff/Plaintiff
URATA & SONS CONCRETE, INC.

Dated: January 24, 2018

VARELA, LEE, METZ & GUARINO, LLP

By: /s/ Andrew Van Ornum
Nicholas A. Merrell
Andrew Van Ornum
Attorneys for Defendants GILBANE FEDERAL and
TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA

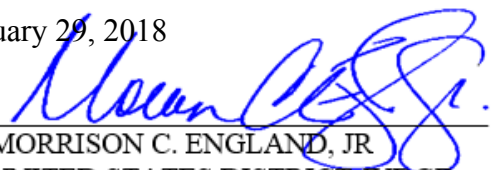
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ORDER

Pursuant to the stipulation of the Parties, this action shall be STAYED in its entirety pending final disposition of the underlying arbitration between the Parties. The parties are ordered to file a Joint Status Report regarding the status of the arbitration every sixty (60) days from the date of this Order, and an additional Joint Status Report not later than twenty (20) days after final disposition of the underlying arbitration.

IT IS SO ORDERED.

Dated: January 29, 2018


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I, the undersigned, declare as follows:

I hereby certify that on the 24th day of January, 2018, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system and I hereby certify that I will mail the document by U.S. mail to the following non-filing user:

***Attorney for Defendants GILBANE FEDERAL
and TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA***

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