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 17 and Western Surety Company

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA – EUREKA DIVISION

20 UNITED STATES, for the Use of  
 21 SERVICE DISABLED VETERANS  
 22 BUSINESS SERVICES, INC. dba  
 23 ELEMENT ENGINEERING, INC., a  
 24 California corporation,

25 Plaintiff,

26 v.

27 WHITNEY-STONE, INC., a California  
 28 Corporation, and WESTERN SURETY  
 COMPANY, a corporation, and DOES  
 1-10, inclusive,

Defendants.

Case No. CV-13 3250-NJV – EUREKA

**STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND TIME TO  
 COMPLETE MEDIATION**

On October 4, 2013, this Court issued an order referring this matter to mediation. Pursuant to that order, mediation is to be completed by January 2, 2014. On Wednesday, November 13, 2013, the parties and the mediator conducted a telephonic conference before mediation under ADR Local Rule 6-6. In that conference, the parties agreed to extend the time to complete mediation under ADR Local Rule 6-5 in lieu of conflicts with

1 counsel's current schedules, the parties' agreement to exchange information important to  
2 settlement, and the holiday schedule. As such, the mediation in this case is scheduled for  
3 February 11, 2014 at 10:00 a.m.

4 The parties' agreement to extend the time to complete mediation and the mediation  
5 date was confirmed in a letter dated November 15, 2013 from Bruce H. Winkelman, the  
6 court-appointed mediator in this matter. Attached as **Exhibit A** is a true and correct copy  
7 of Mr. Winkelman's November 15, 2013 letter.

8 Accordingly, the parties, by and through their counsel of record, HEREBY  
9 STIPULATE to extend the time to complete mediation, which is presently January 2,  
10 2013, to February 15, 2014.

11 IT IS SO STIPULATED

12  
13 DATED: December 19, 2013

DOWNEY BRAND LLP

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15  
16 By: s/ Justin C. Delacruz  
JUSTIN C. DELACRUZ  
17 Attorneys for Use-Plaintiff  
18 Element Engineering, Inc.

19 DATED: December 19, 2013

DIEPENBROCK ELKIN LLP

20  
21 By: s/ Chris A. McCandless  
22 CHRIS A. MCCANDLESS  
23 Attorney for Defendants Whitney-Stone, Inc.  
24 and Western Surety Company  
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**ORDER**

Based on the stipulation of the parties, and good cause appearing therefore, the Court hereby extends the time for the parties to complete mediation to February 15, 2014, the date of the parties scheduled mediation.

IT IS SO ORDERED.

Dated: December 20, 2013



UNITED STATES DISTRICT MAGISTRATE JUDGE

# **Exhibit A**

2001 Addison Street, Suite 300  
Berkeley, California 94704  
Direct: 510.549.3311  
Fax: 510.217.5894

Bruce H. Winkelman, Partner  
Email: [bwinkelman@Craig-Winkelman.com](mailto:bwinkelman@Craig-Winkelman.com)

**VIA ELECTRONIC MAIL**

November 15, 2013

Mr. Treven I. Tilbury  
Downey Brand LLP  
555 Capitol Mall, 10th Floor  
Sacramento, CA 95814  
[ttilbury@downeybrand.com](mailto:ttilbury@downeybrand.com)

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Re: *Service Disabled Veterans Business Services, Inc. v. Whitney-Stone, Inc.*  
United States District Court, California Northern District  
Hon. Samuel Conti  
Case Numbers: 13-03250 NJV MED

Dear Counsel:

It was a pleasure to speak with both of you this week. This will confirm that we have scheduled the mediation in this case for **February 11, 2014 at 10:00 a.m.** We have tentatively scheduled the mediation to take place at the United States District Court in San Francisco.

I understand from our discussions that the holiday schedule, necessary discovery and a pending trial in another matter will make it impractical for you to complete the mediation within the 90 days allocated per rules. You have agreed to file a joint motion to extend this time period pursuant to ADR L.R. 6-5.

Please make sure that the written statements described in ADR L.R. 6-7 are exchanged and in my office no later than the close of business on **February 4, 2014**. Please include any key documents you feel I should read. If you think it would be helpful to our mediation, I also invite you to submit to me--but not exchange--confidential statements relating, for example, to obstacles to or options for settlement.

Also, please remember to arrange for the attendance of all final decision makers.

All Counsel  
November 15, 2013  
Page 2

In preparing for the mediation, the parties often find it useful to discuss each of the following items with your clients:

- Clients' interests, not just positions, and how these interests could be met;
- Other side's interests, and how these could be met;
- Best and worst alternatives to a negotiated settlement;
- Strengths and weaknesses of case; and
- Estimated budget to litigate the case through trial.

As we discussed, I will donate my preparation time and the first four hours of the mediation. If the case has not resolved and we all agree to continue, I will charge the court-set rate of \$300 per hour for the next four hours (ADR L.R. 6-3(b).) After eight hours of session time, I will charge my hourly rate of \$500.

I look forward to working with you and your clients in resolving this matter.

Very truly yours,

*Bruce H. Winkelman*

Bruce H. Winkelman

cc: Clerk's Office-ADR Unit