

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA for the Use and Benefit of WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS, and WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS,

Plaintiffs,

vs.

DICK/MORGANTI, a joint venture, DICK CORPORATION, THE MORGANTI GROUP, AMERICAN CASUALTY COMPANY OF READING, PA, NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, and DOES 1 through 10, inclusive,

Defendants.

Case No.: 3:07-CV-02564-CRB

STIPULATION AND [PROPOSED] ORDER FURTHER EXTENDING TIME TO FILE ANSWER

Before: Hon. Charles R. Breyer

AND RELATED COUNTER-CLAIMS AND THIRD PARTY CLAIMS.

Pursuant to Local Civil Rule 6-2, Defendants, Counter-Claimants, and Third Party Complainants DICK/MORGANTI, DICK CORPORATION, THE MORGANTI GROUP, AMERICAN CASUALTY COMPANY OF READING, PA, and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA (together, “D/M”) and Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS (“Webcor”) hereby stipulate and agree that

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

The deadline for Defendants, Counter-Claimants, and Third Party Complainants DICK/MORGANTI, DICK CORPORATION, THE MORGANTI GROUP, AMERICAN CASUALTY COMPANY OF READING, PA, and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA (together, "D/M") file an answer to the complaint of Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS ("Webcor"), as well as the time for D/M to file a counterclaim, if any, is further extended to January 30, 2009.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 24, 2008



1 **DECLARATION OF JOHN W. RALLS**

2
3 I, John W. Ralls, declare:

4 1. I am an attorney-at-law, a partner with Thelen LLP and counsel of record for
5 Defendants, Counter-Claimants, and Third Party Complainants DICK/MORGANTI, DICK
6 CORPORATION, THE MORGANTI GROUP, AMERICAN CASUALTY COMPANY OF
7 READING, PA, and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH,
8 PA (together, "D/M").

9 2 Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS
10 ("Webcor"), on the one hand, and D/M, on the other, have agreed to continue to discuss various
11 issues, including how Webcor's claims will be passed through and presented to the Project owner.
12 There is also a status conference set for January 12, 2009 in the appeals arising from the Project
13 that are before the Civilian Board of Contract Appeals. In the meantime, the parties prefer to
14 avoid spending time on litigation activities and filings in this case. Therefore, the parties have
15 stipulated and agreed to extend the deadline for D/M to file an answer to Webcor's complaint, as
16 well as the time for D/M to file a counterclaim, if any, to January 30, 2009.

17 3. The parties have previously stipulated, and the Court has previously allowed, an
18 extension for the response to the complaint and counterclaim. Additionally, there have been other
19 time extensions in this case, including time extensions in connection with case management
20 conferences.

21 I declare under penalty of perjury under the law of the United States that the foregoing is
22 true and correct.

23 Executed on November 20, 2008, in San Francisco, California.

24
25 _____
26 John W. Ralls
27
28