

1 JOHN W. RALLS (CA Bar No. 148233)

RallsJ@howrey.com

2 JOHN FOUST (CA Bar No. 218824)

FoustJ@howrey.com

3 JOANNA ROSEN (CA Bar No. 224943)

RosenJ@howrey.com

4 HOWREY LLP

525 Market Street, Suite 3600

San Francisco, CA 94105-2708

Tel. 415.848.4900 // Fax 415.848.4999

6 Attorneys for Defendants

7 DICK/MORGANTI, DICK CORPORATION,

and THE MORGANTI GROUP

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

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

15 Plaintiffs,

16 vs.

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

20 Defendants.

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

**STIPULATION AND ~~PROPOSED~~
ORDER FURTHER EXTENDING
TIME TO FILE ANSWER**

Before: Hon. Charles R. Breyer

21 AND RELATED COUNTER-CLAIMS AND
22 THIRD PARTY CLAIMS.

23 Pursuant to Local Civil Rule 6-2, Defendants, Counter-Claimants, and Third Party
24 Complainants DICK/MORGANTI, DICK CORPORATION, and THE MORGANTI GROUP
25 (together, “D/M”) and Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS
26 (“Webcor”) hereby stipulate and agree that the deadline for D/M to file an answer to Webcor’s
27 complaint, as well as the time for D/M to file a counterclaim, if any, be further extended to
28 **April 17, 2009**. The parties and their representatives continue to meet and discuss various issues,

1 including how Webcor's claims will be addressed at the upcoming mediations with the Project
2 owner. In the meantime, the parties prefer to avoid spending time on litigation activities and
3 filings in the case, and therefore stipulate to this further extension of time.

4 The time for D/M to file an answer to Webcor's complaint and the time for D/M to file a
5 counterclaim has been extended several times before. Additionally, there have been other time
6 extensions in this case, including time extensions in connection with case management
7 conferences.

8 A declaration in support of this stipulated request is attached.
9

10 Dated: March 19, 2009

HOWREY LLP
525 Market Street, Suite 3600
San Francisco, California 94105
Tel. 415.848.4900 // Fax 415.848.4999

11
12
13 By: 

14 John W. Ralls
John Foust

15 Attorneys for Defendants, Counter-Claimants
and Third Party Complainants
16 DICK/MORGANTI, DICK CORPORATION,
and THE MORGANTI GROUP
17

18 Dated: March 19, 2009

BOWLES & VERNA LLP
2121 N. California Boulevard, Suite 875
Walnut Creek, California 94596
Tel. 925.935.3300 // Fax 925.935.0371

19
20
21 By: 

22 Kenneth G. Jones
Michael Connolly
23 Attorneys for Plaintiff
24 WEBCOR CONSTRUCTION, INC. dba
WEBCOR BUILDERS
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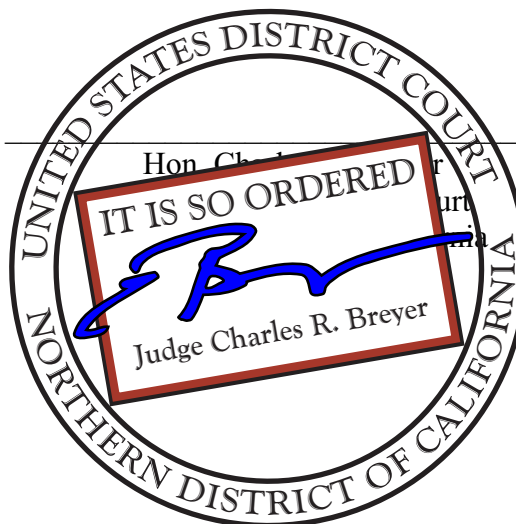
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ORDER

The deadline for Defendants, Counter-Claimants, and Third Party Complainants DICK/MORGANTI, DICK CORPORATION, and THE MORGANTI GROUP (together, “D/M”) to 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 **April 17, 2009**.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: March 20, 2009



1 DECLARATION OF JOHN FOUST

2
3 I, John Foust, declare:

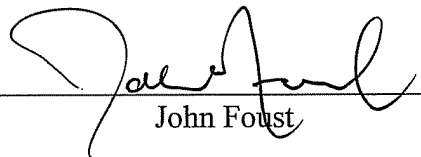
4 1. I am an attorney associated with Howrey LLP and counsel of record for
5 Defendants, Counter-Claimants, and Third Party Complainants DICK/MORGANTI, DICK
6 CORPORATION, and THE MORGANTI GROUP (together, "D/M").

7 2 Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS
8 ("Webcor"), on the one hand, and D/M, on the other, have agreed to continue to discuss various
9 issues, including how Webcor's claims will be addressed at the upcoming mediations with the
10 Project owner. In the meantime, the parties prefer to avoid spending time on litigation activities
11 and filings in this case. Therefore, the parties have stipulated and agreed to extend the deadline for
12 D/M to file an answer to Webcor's complaint, as well as the time for D/M to file a counterclaim, if
13 any, to April 17, 2009.

14 3. The parties have previously stipulated, and the Court has previously allowed, three
15 extensions for the response to the complaint and counterclaim. Additionally, there have been
16 other time extensions in this case, including time extensions in connection with case management
17 conferences.

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

20 Executed on March 19, 2009, in San Francisco, California.

21 
22 _____
23 John Foust