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5 Attorneys for Defendants and Cross-Defendants, Tetra Tech Tesoro, Inc.
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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION
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11 U. S. *ex rel.* McD CORPORATION,)
 12 Plaintiff,)
 vs.)
 13 BUTTE STEEL & FABRICATION, INC.,)
 14 *et al.*,)
 15 Defendants.)

Case No.: 3:12-CV-03638-EDL
**STIPULATION TO CONTINUE
 HEARING DATE AND ~~PROPOSED~~
 ORDER**

Civil L.R. 6-2 and 7-12

16
 17 BUTTE STEEL & FABRICATION, INC., a)
 California Corporation,)
 18 Cross-Claimant,)
 19 v.)
 20 TETRA TECH TESORO, a Virginia)
 Corporation and SAFECO INSURANCE OF)
 21 AMERICA, a Washington Corporation,)
 22 Cross-Defendants.)
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 24

25 Pursuant to Civil Local Rules 6-2 and 7-12, Defendants/Cross-Defendants Tetra Tech
 26 Tesoro, Inc. (“Tesoro”) and Safeco Insurance of America (“Safeco”), Defendant/Cross-Claimant
 27 Butte Steel & Fabrication, Inc. (“Butte Steel”), and Use Plaintiff U.S. *ex rel.* McD Corporation
 28 (“McD”), by and through their respective attorneys of record, hereby stipulate and agree to a

1 thirty -five (35) day continuance of the hearing date for Tesoro/Safeco's Motion to Dismiss Butte
2 Steel's Crossclaim and Motion to Strike Butte Steel's Answer and Crossclaim as follows:

3 RECITALS

4 1. McD filed its complaint on or about July 12, 2012.

5 2. Butte Steel filed an answer to the complaint and a crossclaim against Tesoro and
6 Safeco on October 5, 2012.

7 3. Tesoro and Safeco filed a Motion to Dismiss Butte Steel's Crossclaim and a
8 Motion to Strike Butte Steel's Answer and Crossclaim on October 29, 2012. These two motions
9 are currently set for hearing on December 4, 2012.

10 4. At the initial Case Management Conference held on October 16, 2012, Magistrate
11 Judge Laporte referred this case to Magistrate Judge Jacqueline Scott Corley for Settlement
12 Conference to be scheduled within ninety (90) days.

13 5. All counsel participated in an initial ADR telephone conference call with
14 Magistrate Judge Corley on October 29, 2012, and a second follow-up ADR telephone
15 conference call with Judge Corley on November 16, 2012.

16 6. During the November 16, 2012 ADR telephone conference call, all parties agreed
17 to resolve any outstanding issues related to the dismissal of McD's claims against Butte Steel
18 based upon Tesoro's settlement with McD by Wednesday, November 21, 2012.

19 7. Additionally, principal representatives of Butte Steel and Tesoro have agreed to
20 meet on November 28, 2012 to discuss disputed issues and documents, in conjunction with and
21 as a part of Judge Corley's ongoing ADR settlement conference in this case, to further settlement
22 negotiations in this case.

23 8. Magistrate Judge Corley has scheduled a follow up ADR telephone conference on
24 December 3, 2012 to evaluate the status of settlement discussions and progress following the
25 meeting between the principals of Butte Steel and Tesoro, and to schedule an ADR Settlement
26 Conference.

27 9. Tesoro/Safeco's Motion to Strike and Motion to Dismiss are currently set for
28 hearing on December 4, 2012.

1 2. Defendants/Cross-Defendants Tesoro and Safeco's reply briefs for its Motion to
2 Dismiss Butte Steel's Crossclaim and Motion to Strike Butte Steel's Answer and Crossclaim
3 shall be filed and served fourteen (14) days before the date set for the hearing on these Motions.
4

5 Dated: November 19, 2012

VANDEVENTER BLACK LLP

6 By: /s/ Marie E. Colmey
7 Marie E. Colmey
8 Attorneys for Defendants/Cross-Defendants Tetra
Tech Tesoro, Inc. and Safeco Insurance of America

9 Dated: November 21, 2012

LAW OFFICE OF DAVID J. MURRAY

10 By: /s/ David J. Murray
11 David J. Murray
12 Attorneys for Defendant/Cross-Claimant Butte Steel
& Fabrication, Inc.

13 Dated: November 21, 2012

LAW OFFICE OF DOUGLAS R. THORN

14 By: /s/ Douglas R. Thorn
15 Douglas R. Thorn
16 Attorneys for Defendant/Crossclaimant Butte Steel
& Fabrication, Inc.

17
18 Dated: November 21, 2012

LUBKA WHITE

19 By: /s/ Laurence P. Lubka
20 Laurence P. Lubka
21 Attorneys for Use Plaintiff U.S. *ex rel.*
McD Corporation

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23
24 Dated: November 21, 2012

UNITED STATES MAGISTRATE JUDGE
ELIZABETH D. LAPORTE

25 By: 
26 Elizabeth D. Laporte
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