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Attorneys for Defendant Balfour Beatty Infrastructure, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EAST BAY MUNICIPAL UTILITY DISTRICT; SACRAMENTO COUNTY WATER AGENCY; FREEPORT WATER AUTHORITY; CITY OF SACRAMENTO; CITY OF ROSEVILLE; and CITY OF RIO VISTA,

ex rel. BILL HALEY; HARRY ROTZ; and LEW LONG,

Plaintiffs,

v.

BALFOUR BEATTY INFRASTRUCTURE, INC. and DOES 1 through 100,

Defendants.

CASE NO: 13-CV-02032 WHO

STIPULATION AND ORDER TO CONTINUE MOTIONS AND CASE MANAGEMENT CONFERENCE

Assigned to:
Hon. William H. Orrick, Courtroom 2

Complaint Filed: October 26, 2012
Trial Date: Not Set

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1 This stipulation is entered into between Balfour Beatty Infrastructure, Inc. (“Balfour
2 Beatty”) and *qui tam* plaintiffs Bill Haley, Harry Rotz and Lew Long (collectively the
3 “Relators”). Balfour Beatty and the Relators stipulate through counsel as follows:

4 1. A case management conference is currently scheduled for 2:00 p.m. on
5 November 12, 2013.

6 2. The below motions by Balfour Beatty are currently scheduled to be heard at
7 2:00 p.m. on December 4, 2013:

8 (a) Motion To Dismiss Pursuant To Rule 12(b)(1) Of The Federal Rules Of
9 Civil Procedure Or, Alternatively, For Judgment On The Pleadings Pursuant To Rule 12(c) Of
10 The Federal Rules Of Civil Procedure; and

11 (b) Motion For Judgment On The Pleadings Pursuant To Rule 12(c) Of The
12 Federal Rules Of Civil Procedure.

13 3. The Relators’ oppositions to the above-referenced motions are currently due on
14 November 1, 2013. Balfour Beatty’s replies in support of the above-referenced motions are
15 currently due on November 8, 2013.

16 4. Balfour Beatty and the Relators request the above briefing deadlines, motion
17 hearings and case management conference be rescheduled as follows:

<u>Item</u>	<u>Proposed Rescheduled Time/Date</u>
The Relators’ Oppositions	Tuesday, November 12, 2013
Balfour Beatty’s Replies	Friday, November 22, 2013
Motion Hearings	2:00 p.m. on Wednesday, December 11, 2013
Case Management Conference	2:00 p.m. on Wednesday, December 11, 2013

24 5. The reason for the requested enlargement of time is to allow both parties to
25 adequately brief the issues raised by both motions and in light of other commitments, including
26 scheduled depositions in this case.

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1 6. There have been no previous time modifications with respect to the present
2 motions.

3 7. The parties anticipate that the enlargement of time will have no appreciable
4 effect on the schedule for the case.

5 8. Balfour Beatty and the Relators understand the Court normally holds case
6 management conferences on Tuesdays. However, Balfour Beatty and the Relators request the
7 Court hold the case management conference at the same time as the motion hearings (i.e., 2:00
8 p.m. on Wednesday, December 11, 2013) in order to preserve judicial resources. If this date is
9 not available for the Court, the parties request the Court set the case management conference
10 for a date after December 11, 2013.

11 SO STIPULATED.

12 DATED: October 25, 2013

Respectfully submitted,

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MARKS, FINCH, THORNTON & BAIRD, LLP

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By: /s/ P. Randolph Finch Jr.
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19 DATED: October 25, 2013

DAVIS, COWELL & BOWE, LLP

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By: /s/ Eric B. Myers
JOHN J. DAVIS, JR.
ERIC B. MYERS
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Harry Rotz and Lew Long
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1 ORDER

2 After considering the above stipulation and for good cause shown, the Court orders as
3 follows:

4 1. The hearing on Balfour Beatty's Motion To Dismiss Pursuant To Rule 12(b)(1)
5 Of The Federal Rules Of Civil Procedure Or, Alternatively, For Judgment On The Pleadings
6 Pursuant To Rule 12(c) Of The Federal Rules Of Civil Procedure is rescheduled to 2:00 p.m.
7 on December 11, 2013.

8 2. The hearing on Balfour Beatty's Motion For Judgment On The Pleadings
9 Pursuant To Rule 12(c) Of The Federal Rules Of Civil Procedure is rescheduled to 2:00 p.m.
10 on December 11, 2013.

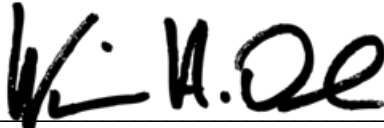
11 3. The Relators' oppositions to the above-referenced motions must be filed no
12 later than November 12, 2013.

13 4. Balfour Beatty's replies in support of the above-referenced motions must be
14 filed no later than November 22, 2013.

15 5. The case management conference is rescheduled to 2 p.m. on December 11,
16 2013.

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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19 DATED: October 28, 2013


HON. WILLIAM H. ORRICK

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