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13 Attorneys for Use Plaintiff
 SHARED SYSTEMS TECHNOLOGY, INC.
 14 (PULLMAN)

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17

18 UNITED STATES OF AMERICA for
 19 the use and benefit of SHARED
 SYSTEMS TECHNOLOGY, INC.
 20 (PULLMAN), a corporation,

21 Plaintiff,

22 v.

23 AMEC ENVIRONMENT &
 INFRASTRUCTURE, INC., a
 24 corporation; and ZURICH AMERICAN
 INSURANCE COMPANY, a
 25 corporation,

26 Defendants.
 27

Case No. 3:14-CV-02871-RS

**STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE AND
 EXTENDING TIME TO RESPOND TO
 COMPLAINT**

Complaint Filed: June 20, 2014
 Current CMC Date: October 2, 2014

28 Plaintiff, Shared Systems Technology, Inc. (Pullman) ("SST"), and defendant

1 AMEC Environment & Infrastructure, Inc. ("AMEC") (collectively, the "Parties"), by and
2 through their undersigned counsel, hereby stipulate to (1) a 60-day continuance of the
3 Case Management Conference ("CMC") (and all dates associated therewith), currently
4 set for October 2, 2014, and (2) an extension of Defendants' time to respond to the
5 Complaint from September 29, 2014, to and including November 21, 2014.¹ The Parties'
6 stipulation is based on the following facts:

7 1. SST filed a Complaint to Recover on Payment Bond (Miller Act)
8 ("Complaint") on June 20, 2014. The case was initially assigned to Magistrate Elizabeth
9 LaPorte.

10 2. The action arises out of a federal construction project to stabilize and repair
11 exterior walls of the cellhouse on Alcatraz Island. SST was a sub-subcontractor on the
12 project; AMEC was the general contractor; and Zurich issued the Miller Act payment
13 bond.

14 3. SST commenced this action in June to stop the running of the statute of
15 limitations. However, at the time the action was commenced, the parties planned to
16 participate in a multi-party mediation session before mediator, Randall Wulff of Wulff
17 Quinby Sochynsky. After the mediation session before Mr. Wulff, the Parties negotiated
18 basic terms for a settlement that, if finalized, will result in a dismissal of this action.

19 4. The settlement negotiated by the Parties has taken and will continue to
20 take additional time to finalize and document because it involves a complex liquidation,
21 sharing and pass-through agreement. The settlement is complex because it involves the
22 Contract Disputes Act, the application of relevant FAR provisions, ongoing litigation
23 between AMEC and the subcontractor with which SST contracted, and this pending case
24 under the Miller Act. The Parties hope to be able to agree on all of the detailed terms

25 _____
26 ¹ Defendant, Zurich American Insurance Company ("Zurich"), has been served with the
27 Complaint but has not yet entered an appearance given the ongoing settlement
28 negotiations, in an effort to minimize attorneys' fees. SST has agreed to extend both
Defendants' time to respond to the Complaint. It is defendant AMEC's understanding
that Zurich will file the appropriate notice of appearance and Answer should the parties
fail to finalize the terms of the settlement agreement reached.

1 and finalize a settlement agreement within the next 30 days.

2 5. All defendants have been served with the Complaint, and there have been
3 three prior stipulations extending their time to respond. Defendants' response is now
4 due on September 29, 2014.

5 6. On July 29, 2014, SST filed a declination of assignment to Magistrate
6 LaPorte, and the case was thereafter assigned to this Court.

7 7. On July 31, 2014, the Clerk issued a notice setting the initial CMC in this
8 Court for October 2, 2014.

9 8. The Parties wish to avoid the time and expense of responding to the
10 Complaint, making initial Rule 26 disclosures, engaging in a Rule 26(f) conference, and
11 preparing for and attending the CMC, while they finalize and document the settlement
12 they have negotiated. This settlement, when finalized and documented, will result in a
13 dismissal of this case.

14 9. The Parties, therefore, respectfully request that: (1) Defendants' time to
15 respond to the Complaint be extended to and including November 21, 2014; (2) the CMC
16 be continued for 60 days, until early December, 2014 on a date convenient to the Court;
17 and (3) the dates for filing the Rule 26(f) report, completing initial disclosures, and filing
18 the Joint CMC statement be continued until one week before the new CMC date.

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1 Dated: September 8, 2014

Respectfully submitted,

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SCHIFF HARDIN LLP

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By: /s/ Rocky N. Unruh

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SHARED SYSTEMS TECHNOLOGY, INC.

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(PULLMAN)

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1 Dated: September 8, 2014

KILPATRICK TOWNSEND & STOCKTON
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13 Attorneys for Defendants
14 AMEC ENVIRONMENT &
15 INFRASTRUCTURE, INC.

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17
18 **ORDER**

19 Pursuant to the Parties' stipulation and for good cause shown, IT IS HEREBY
20 ORDERED that:

- 21 1. Defendants' time to respond to the Complaint shall be extended to and
22 including November 21, 2014;
- 23 2. The Case Management Conference shall be continued from October 2,
24 2014, until 12/11/14 at 10:00 a.m.; and
- 25 3. All other deadlines associated with the Case Management Conference,
26 including the filing of the Rule 26(f) report, completing initial disclosures, and filing the
27 Joint Case Management Conference statement, shall be continued until one week before
28 the new CMC date. The Parties shall comply with this Court's Standing Order re: Initial

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Case Management and the Standing Order for All Judges of the Northern District of California re: Contents of Joint Case Management Statements.

Dated: September 8, 2014



Richard Seeborg
United States District Judge

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