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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.

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: February 12, 2015

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 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) an additional 60-day  
3 continuance of the Case Management Conference ("CMC") (and all dates associated  
4 therewith), currently set for February 12, 2015, and (2) an additional extension of  
5 Defendants' time to respond to the Complaint from January 20, 2015, to and including  
6 March 20, 2015.<sup>1</sup> The Parties' 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 additional time to  
20 finalize and document because it involves a complex liquidation, sharing and pass-  
21 through agreement. The settlement is complex because it involves the Contract Disputes  
22 Act, the application of relevant FAR provisions, ongoing litigation between AMEC and  
23 the subcontractor with which SST contracted, and this pending case under the Miller  
24 Act.

25 5. The Parties and the subcontractor with which SST contracted have  
26 \_\_\_\_\_

27 <sup>1</sup> Defendant, Zurich American Insurance Company ("Zurich"), has been served with the  
28 Complaint but has not yet entered an appearance given the ongoing settlement  
negotiations, in an effort to minimize attorneys' fees. SST has agreed to extend both  
Defendants' time to respond to the Complaint.

1 continued to negotiate and exchange support for their claims under the Contract  
2 Disputes Act. The Parties are awaiting final support for one of the claims asserted by the  
3 subcontractor with which SST contracted. The Parties assure the Court that their  
4 settlement is still on course, and they expect to finalize a settlement agreement within  
5 the next 14 days.

6 6. All defendants have been served with the Complaint, and there have been  
7 three prior stipulations extending their time to respond. Defendants' response was due  
8 on January 20, 2015, but no response was filed because it appeared the settlement would  
9 soon be finalized.

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

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

14 9. On September 8, 2014, Judge Richard Seeborg entered an Order extending  
15 Defendants' time to respond to November 21, 2014 and continuing the CMC until  
16 December 11, 2014.

17 10. On November 18, 2014, Judge Seeborg entered an Order extending  
18 Defendants' time to respond to January 20, 2015 and continuing the CMC until February  
19 12, 2015.

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

25 12. The Parties, therefore, respectfully request that: (1) Defendants' time to  
26 respond to the Complaint be extended to and including March 20, 2015; (2) the CMC be  
27 continued for 60 days, until early April, 2015 on a date convenient to the Court; and (3)  
28 the dates for filing the Rule 26(f) report, completing initial disclosures, and filing the

1 Joint CMC statement be continued until one week before the new CMC date.

2 Dated: February 2, 2015

Respectfully submitted,

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By: /s/ Rocky N. Unruh

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Dated: February 2, 2015

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**ORDER**

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

1. Defendants' time to respond to the Complaint shall be extended to and including March 20, 2015;

2. The Case Management Conference shall be continued from February 5, 2015, until April 9, 2015 at 10:00 a.m.; and

3. All other deadlines associated with the Case Management Conference, including the filing of the Rule 26(f) report, completing initial disclosures, and filing the Joint Case Management Conference statement, shall be continued until one week before the new CMC date. The Parties shall comply with this Court's Standing Order re: Initial Case Management and the Standing Order for All Judges of the Northern District of California re: Contents of Joint Case Management Statements.

Dated: February 3, 2015

  
Richard Seeborg  
United States District Judge

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