

1 PETER V. DESSAU, ESQ., SBN 135361
 pvd@millermorton.com
 2 ROGER F. LIU, ESQ., SBN 218345
 rfl@millermorton.com
 3 STEPHANIE M. ROCHA, ESQ., SBN 266030
 smr@millermorton.com
 4 MILLER, MORTON, CAILLAT & NEVIS, LLP
 50 West San Fernando Street, Suite 1300
 5 San Jose, California 95113
 Telephone: (408) 292-1765
 6 Facsimile: (408) 436-8272

7 Attorneys for Defendants
 Hathaway Dinwiddie Construction Company; Travelers
 8 Casualty and Surety Company of America; and Federal
 Insurance Company
 9

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12 THE UNITED STATES OF AMERICA for the
 13 use and benefit of ROSENDIN ELECTRIC,
 INC.,

14 Plaintiff,

15 vs.

16 HATHAWAY DINWIDDIE
 17 CONSTRUCTION COMPANY; TRAVELERS
 CASUALTY AND SURETY COMPANY OF
 18 AMERICA; FEDERAL INSURANCE
 COMPANY, and DOES 1-50, inclusive,

19 Defendants.
 20

Case No.: 4:15-cv-01376-KAW

**STIPULATION AND ~~PROPOSED~~
 ORDER FOR CONSOLIDATION OF
 CASES FOR ALL PURPOSES**

Hon. Kandis A. Westmore

Trial: None Set

21 THE UNITED STATES OF AMERICA for the
 use and benefit of A.S.F. ELECTRIC, INC.,

22 Plaintiff,

23 vs.

24 ROSENDIN ELECTRIC, INC.; HATHAWAY
 25 DINWIDDIE CONSTRUCTION COMPANY;
 TRAVELERS CASUALTY AND SURETY
 26 COMPANY OF AMERICA; FEDERAL
 INSURANCE COMPANY, and DOES 1-20,
 inclusive,

27 Defendants.
 28

Case No. 4:15-cv-01427-KAW

Hon. Kandis A. Westmore

Trial: None Set

MILLER, MORTON, CAILLAT & NEVIS, LLP
 50 West San Fernando Street, Suite 1300
 San Jose, CA 95113
 Telephone: (408) 292-1765

1 This stipulation is entered into by and amongst Hathaway Dinwiddie Construction Company,
2 Travelers Casualty and Surety Company of America, and Federal Insurance Company, Rosendin
3 Electric, Inc., as a defendant and real party in interest, and A.S.F. Electric, Inc., as real party in
4 interest, by and through their respective counsel of record:

5 WHEREAS, Rosendin Electric, Inc. filed its Complaint for (1) Breach of Contract; and (2)
6 Recovery Against Payment Bond Under the Miller Act 40 USCA §§ 3131, et seq., on March 25,
7 2015 (the “REI Action”);

8 WHEREAS, A.S.F. Electric, Inc. filed its Complaint for (1) Breach of Contract; and (2)
9 Recovery Against Payment Bond Under the Miller Act 40 USCA §§ 3131, et seq., on March 27,
10 2015 (the “ASF Action”);

11 WHEREAS, counsel for the parties have conferred, and the parties are in agreement that the
12 REI Action should be consolidated with the ASF Action for all purposes because the cases arise
13 from the same construction project, involve similar allegations and common questions of law or fact,
14 and because consolidation would advance the interests of judicial economy.

15 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through
16 their respective counsel, as follows:

- 17 1. That the following actions are related cases within the meaning of Local Civil Rule 3-
18 12(a):
 - 19 a. The United States of America for the use and benefit of Rosendin Electric, Inc. v.
20 Hathaway Dinwiddie Construction Company, et al., Case No. 4:15-cv-01376-
21 KAW; and
 - 22 b. The United States of America for the use and benefit of A.S.F Electric, Inc. v.
23 Rosendin Electric, Inc., et al., Case No. 4:15-cv-01427-KAW.
- 24 2. That pursuant to Federal Rule of Civil Procedure 42(a), the above captioned cases are
25 hereby consolidated for all purposes into one action.
- 26 3. These actions shall be referred to as the “Consolidated Actions,” and The United States of
27 America for the use and benefit of Rosendin Electric, Inc. v. Hathaway Dinwiddie
28 Construction Company, et al., Case No. 4:15-cv-01376-KAW shall be the lead case. The

1 Master Docket and Master File for the Consolidated Actions shall be Civil Action No.
2 4:15-cv-01376-KAW.

3
4 Dated: June 2, 2015

MILLER, MORTON, CAILLAT & NEVIS, LLP

5
6 By: /s/ Roger F. Liu _____
7 PETER V. DESSAU
8 ROGER F. LIU
9 STEPHANIE M. ROCHA
10 Attorneys for Hathaway Dinwiddie Construction
11 Company; Travelers Casualty and Surety Company
12 of America; and Federal Insurance Company

13
14 Dated: June 2, 2015

RUTAN & TUCKER, LLP

15 By: /s/ William T. Eliopoulos _____
16 WILLIAM T. ELIOPOULOS
17 KAVEH BADIEI
18 Attorneys for Rosendin Electric, Inc.

19
20 Dated: June 2, 2015

MCLENNON LAW CORPORATION

21 By: /s/ Craig Wallace _____
22 DANIEL F. MCLENNON
23 CRAIG WALLACE
24 Attorneys for A.S.F. Electric, Inc.

25
26
27
28
MILLER, MORTON, CAILLAT & NEVIS, LLP
50 West San Fernando Street, Suite 1300
San Jose, CA 95113
Telephone: (408) 292-1765

1 I attest that the original facsimile signatures of the persons whose electronic signatures
2 are shown above are maintained by me, and that their concurrence in the filing of this document
3 and attribution of their signatures was obtained.

4 Dated: June 2, 2015


MILLER, MORTON, CAILLAT & NEVIS, LLP

5
6 By: /s/ Roger F. Liu
7 PETER V. DESSAU
8 ROGER F. LIU
9 STEPHANIE M. ROCHA
10 Attorneys for Hathaway Dinwiddie Construction
11 Company; Travelers Casualty and Surety Company
12 of America; and Federal Insurance Company

13 **[PROPOSED] ORDER**

14 The above stipulation having been considered and good cause appearing therefore, **IT IS SO**
15 **ORDERED.**

16
17 DATED: 6/10/2015

18 By: 
19 Hon. Haywood S. Gilliam, Jr.
20 U.S. District Judge

21
22
23
24
25
26
27
28
MILLER, MORTON, CAILLAT & NEVIS, LLP
50 West San Fernando Street, Suite 1300
San Jose, CA 95113
Telephone: (408) 292-1765