

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA for the Use and
Benefit of ISEC, INC.,

Plaintiffs,

vs.

DICK/MORGANTI, a joint venture, DICK
CORPORATION, THE MORGANTI GROUP,
AMERICAN CASUALTY COMPANY OF
READING, PA, NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA,
CONTINENTAL CASUALTY COMPANY, and
DOES 1 through 10, inclusive,

Defendants.

Case No.: 3:08-CV-01932 –PJH

**STIPULATION AND [PROPOSED]
ORDER FURTHER EXTENDING
CASE SCHEDULE AND CASE
MANAGEMENT CONFERENCE**

Judge: Hon. Phyllis J. Hamilton

Pursuant to Civil Local Rule 6-2, the parties, Use Plaintiff ISEC, Inc. (“ISEC”), on the one hand, and Defendants Dick/Morganti, a Joint Venture (“Dick/Morganti”), Dick Corporation, The Morganti Group, American Casualty Company of Reading, Pennsylvania, Continental Casualty Company, National Union Fire Insurance Company of Pittsburgh, PA, on the other, hereby stipulate and agree as follows:

The parties have finalized the terms of a settlement agreement that they intend to execute this week. The terms of that agreement require part of the settlement payment to be made at the time of execution and part to be made within 30 days of the execution, upon which time ISEC has

1 agreed to dismiss this action. Accordingly, the parties desire to continue the various case
2 management deadlines that have been established by 40 days.

3 The parties have previously stipulated, and the Court has previously allowed, time
4 extensions for the response to the complaint to June 27, July 16, July 30, August 13, 2008, and
5 most recently September 10, 2008, and corresponding time extensions to the Rule 26 report and
6 Initial Case management Conference. The parties have filed the ADR Certification.

7 The parties stipulate and agree that the following case schedule should be established:

- 8 ➤ Deadline for defendants' response to complaint: October 20, 2008.
- 9 ➤ Initial Case Management Conference: On or about November 28, 2008, on a date
10 to be set by the Court.
- 11 ➤ Last day to file Rule 26(f) report, complete initial disclosures or state objection in
12 Rule 26(f) report and file case management statement per Standing Order re
13 Contents of Joint Case Management Statement: One week before the Initial Case
14 Management Conference as set by the Court.

15
16 Dated: September 10, 2008

MUZI & ASSOCIATES
1851 E. First Street, Suite 1257
Santa Ana, CA 92705-4017
Tel. 949.553.9277 // Fax 949.553.9288

19 By:

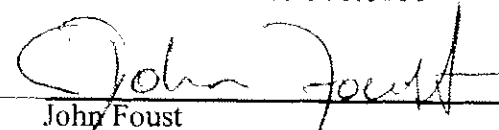


Dana L. Harris
Attorneys for ISEC, INC.

20
21 Dated: September 10, 2008

THELEN LLP
101 Second Street, Suite 1800
San Francisco, CA 94105
Tel. 415.371.1200 // Fax 415.371.1211

22
23
24 By:



John Foust
Attorneys for Defendants DICK/MORGANTI, DICK
CORPORATION, THE MORGANTI GROUP,
AMERICAN CASUALTY COMPANY OF
READING, PA, NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA
and CONTINENTAL CASUALTY COMPANY

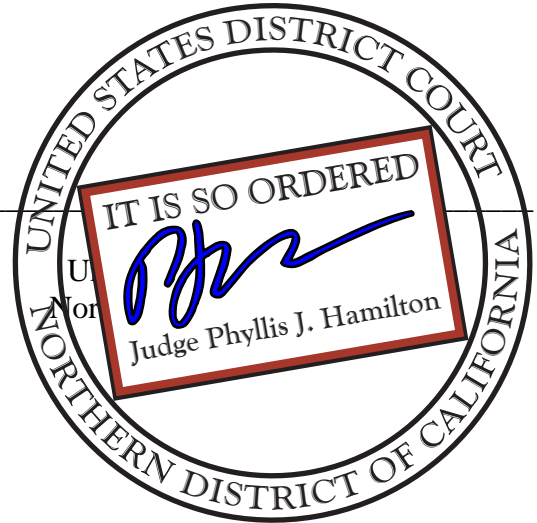
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Court sets the initial case management conference (previously scheduled for October 30, 2008) for December 4, 2008 in Courtroom 3, 17th Floor, San Francisco at 2:30 p.m.

Dated: September 19, 2008



DECLARATION OF JOHN FOUST

I, John Foust, declare:

1. I am an attorney-at-law, an attorney with Thelen LLP and counsel of record for the defendants in this case, including defendant Dick/Morganti, a joint venture.

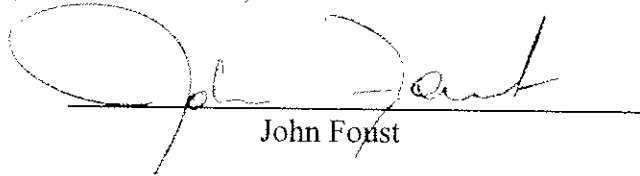
2. The parties have finalized the terms of a settlement agreement that they intend to execute this week.

3. The terms of that agreement require part of the settlement payment to be made at the time of execution and part to be made within 30 days of the execution, upon which time ISEC has agreed to dismiss this action.

4. The parties have previously stipulated, and the Court has previously allowed, time extensions for the response to the complaint to June 27, July 16, July 30, August 13, 2008, and most recently September 10, 2008, and corresponding time extensions to the Rule 26 report and Initial Case management Conference.

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct.

Executed on September 11, 2008, in San Francisco, California.



John Foust