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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 executed a settlement agreement regarding the claims at issue in this action. The terms of that settlement agreement require part of the settlement payment to be made within three days of execution and part to be made within the following 30 days, upon which time

1 ISEC shall dismiss this action without prejudice. Accordingly, the parties desire to continue the
2 deadline various case management deadlines that have been established by **45 days**.

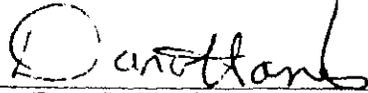
3 The parties have previously stipulated, and the Court has previously allowed, time
4 extensions for the response to the complaint and corresponding time extensions to the Rule 26
5 report and Initial Case management Conference. The parties have filed the ADR Certification.

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

- 7 > Deadline for defendants' response to complaint: **December 29, 2008**.
- 8 > Initial Case Management Conference: On or about **January 19, 2009**, on a date to
9 be set by the Court.
- 10 > Last day to file Rule 26(f) report, complete initial disclosures or state objection in
11 Rule 26(f) report and file case management statement per Standing Order re
12 Contents of Joint Case Management Statement: One week before the Initial Case
13 Management Conference as set by the Court.

14
15 Dated: November 10, 2008

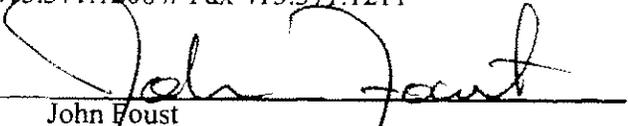
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17
18 By: 

Dana L. Harris
Attorneys for ISEC, INC.

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21 Dated: November ^{13^g} 10, 2008

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23
24 By: 

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

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Court sets the initial case management conference (previously scheduled for December 4, 2008) for January 22, 2009, in Courtroom 3, 17th Floor, San Francisco at 2:30 p.m..

Dated: November 17, 2008



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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.

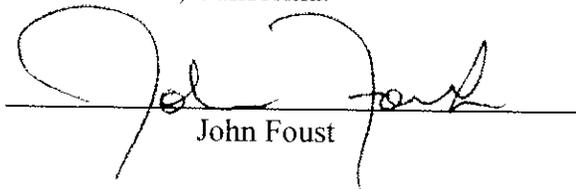
2. The parties have executed a settlement agreement regarding the claims at issue in this action.

3. The terms of that settlement agreement require part of the settlement payment to be made within three days of execution and part to be made within the following 30 days, upon which time the settlement agreement requires ISEC to dismiss this action without prejudice. Accordingly, the parties desire to continue the deadline various case management deadlines that have been established by **45 days**.

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, September 10, October 20, 2008, and most recently, November 7, 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 November 13, 2008, in San Francisco, California.


John Foust