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Attorneys for Plaintiff, SAN BENITO SUPPLY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

UNITED STATES OF AMERICA, For the Use)  
of SAN BENITO SUPPLY, a California )  
corporation, )

Plaintiff, )

v. )

KISAQ-RQ 8A 2 JV, a joint venture; )  
FRAZIER MASONRY COMPANY, a )  
California corporation; FEDERAL )  
INSURANCE COMPANY, an Indiana )  
corporation; WESTERN SURETY )  
COMPANY, a South Dakota corporation, )

Defendants. )

CASE NO. 5:13-CV-00469-HRL

**STIPULATION FOR EXTENSION OF  
THE DEADLINE FOR CONDUCTING  
MEDIATION AND COMPLETING  
DISCOVERY, AND ORDER THEREON**

**(ADR Local Rule 6-5)**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff, United States of America, For the Use of San Benito Supply, by and through its attorneys of record, Monteleone & McCrory, LLP, and Defendants KISAQ-RQ 8A 2 JV, Federal Insurance Company and Western Surety Company, and Defendant and Counterclaim Plaintiff Frazier Masonry Corporation, by and through their attorneys Case, Ibrahim & Clauss, LLP, as follows based on the herein below facts and terms:

1. The mediation cutoff date is currently set for September 13, 2013;

1           2.       The parties have propounded requests for production of documents to each other  
2 and subpoenas to third parties. The responsive documents to earlier requests have been produced  
3 and responses to subsequent requests are be produced by the end of August;

4           3.       Due to counsel for Defendants being unavailable for mediation prior to  
5 August 26, 2013 and due to counsel for San Benito being engaged in trial preparation the week of  
6 August 26, 2013 for a five-to-six week trial that will commence in Los Angeles County Superior  
7 Court on September 4, 2013 before Judge McLaughlin (Long Cause calendar), the parties have  
8 been unable to select a date for the mediation of this action. The parties desire to continue the  
9 mediation deadline to October 31, 2013, and reschedule the mediation date for a date in late  
10 October in order to allow for the parties to have meaningful settlement discussions.

11           4.       The parties, through their attorneys of record, hereby stipulate to the continuance  
12 of the mediation deadline to October 31, 2013.

13           5.       The parties, through their attorneys of record, hereby stipulate to the continuance  
14 of the fact discovery deadline from November 15, 2013 to December 13, 2013.

15           6.       The parties, through their attorneys of record, hereby stipulate to the continuance  
16 of the expert discovery deadline from December 20, 2013 to January 20, 2014.

17           7.       This stipulation may be executed by fax or email and that fax or email signature  
18 will be treated as an original for all purposes.

19           8.       This stipulation may be executed in counterparts, and that all executed  
20 counterparts will be taken together and treated as one full and complete document.

21           **IT IS SO STIPULATED AND AGREED.**

22           DATED: August 27, 2013

MONTELEONE & McCRORY, LLP

23  
24  
25           By 

WILLIAM J. INGALSBE

DIANA M. DRON

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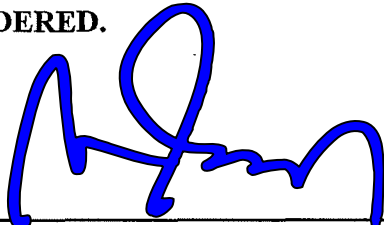
DATED: August 27, 2013

CASE, IBRAHIM & CLAUSS, LLP

By:   
BRIAN S. CASE  
F. ALBERT IBRAHIM  
Attorneys for Defendants KISAQ-RQ 8A JV,,  
FEDERAL INSURANCE COMPANY AND  
WESTERN SURETY COMPANY and  
Defendant/Counterclaimant FRAZIER MASONRY  
CORPORATION  
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**THE COURT DOES NOT INTEND TO EXTEND THE DATE FOR  
DISPOSITIVE MOTIONS OR THE PRETRIAL CONFERENCE.  
PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Date: ~~August~~ September 38, 2013

  
HOWARD R. LLOYD  
United States Magistrate Judge