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LAW OFFICES
MONTELEONE & McCRORY, LLP
 200 West Santa Ana Boulevard, Suite 200
 Santa Ana, California 92701
 Tele: (714) 565-3170; Fax: (714) 565-3184

WILLIAM J. INGALSBE (CA SBN 66278)
ingalsbe@mmlawyers.com
 DIANA M. DRON (CA SBN 86195)
dron@mmlawyers.com

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 EXPERT DISCLOSURES AND
 RELATED REPORTS, AND ORDER
 THEREON**

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:

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1 1. The last date for the service of expert designations (with reports) is currently
2 November 19, 2013;

3 2. The last date for the service of rebuttal expert designations (with reports) is
4 currently December 3, 2013;

5 3. At the mediation on October 28, 2013, San Benito Supply was informed that
6 KISAQ-RQ 8A 2 JV intends to pursue approximately \$395,000 in delay damages and liquidated
7 damages;

8 4. As the issue of delay and liquidated damages had been raised prior to mediation,
9 San Benito Supply already had served its third request for production of documents with regard
10 to scheduling, delay damages, and the potential liquidated damages. On October 29, 2013,
11 counsel represented that KISAQ-RQ 8A 2 JV would produce the documents requested by San
12 Benito by November 15, 2013. The production of these documents is from many sources and is
13 expected to be voluminous;

14 5. San Benito Supply, Frazier Masonry Corporation, and KISAQ-RQ 8A 2 JV, all
15 need to retain experts on scheduling and delay issues. The scheduling and delay experts will
16 need to review and analyze the documents KISAQ is producing and then develop the reports
17 required to be exchanged. This work cannot be performed in the limited amount of time between
18 the expected production of KISAQ-RQ 8A 2 JV's documents on November 15, 2013 and the
19 service of the designations with reports, currently due on November 19, 2013.

20 6. The parties, through their attorneys of record, hereby stipulate to the continuance
21 of the service of expert designations (with reports) deadline from November 19, 2013 to
22 December 19, 2013.

23 7. The parties, through their attorneys of record, hereby stipulate to the continuance
24 of the rebuttal expert designations (with reports) deadline from December 3, 2013 to January 3,
25 2014.

26 8. This stipulation may be executed by fax or email and that fax or email signature
27 will be treated as an original for all purposes.
28

IT IS SO STIPULATED AND AGREED.

MONTELEONE & McCRORY, LLP

CASE, IBRAHIM & CLAUSS, LLP

~~HOWARD R. LLOYD~~
~~United States Magistrate Judge~~

1 9. This stipulation may be executed in counterparts, and that all executed
2 counterparts will be taken together and treated as one full and complete document.

3
4 **IT IS SO STIPULATED AND AGREED.**

5
6 DATED: October __, 2013

MONTELEONE & McCRORY, LLP

7
8 By _____

9 WILLIAM J. INGALSBE

10 DIANA M. DRON

Attorneys for Plaintiff, SAN BENITO SUPPLY

200 West Santa Ana Blvd., Suite 200

11 Santa Ana, CA 92701

12 dron@mmlawyers.com

(714) 565-3170

13
14 DATED: October 2, 2013

CASE, IBRAHIM & CLAUSS, LLP

15
16 By:  _____

17 BRIAN S. CASE

F. ALBERT IBRAHIM

Attorneys for Defendants KISAQ-RQ 8A JV,,

18 FEDERAL INSURANCE COMPANY AND

19 WESTERN SURETY COMPANY and

Defendant/Counterclaimant FRAZIER MASONRY
CORPORATION

20 aibrahim@ciclaw.com

21
22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23 November 4
24 Date: ~~October~~ __, 2013

25  _____

26 HOWARD R. LLOYD
United States Magistrate Judge