

E-Filed: February 20, 2014

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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 DEADLINES,
AND ORDER THEREON**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff, United States
of America, For the Use of San Benito Supply (“San Benito”), by and through its attorneys of
record, Monteleone & McCrory, LLP, and Defendants KISAQ-RQ 8A 2 JV, Federal Insurance
Company and Western Surety Company (“KISAQ”, “Federal”, and “Western”), and Defendant
and Counterclaim Plaintiff Frazier Masonry Corporation (“Frazier”), 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 Fact Discovery cutoff date is February 13, 2014;
- 2 2. The last date for the service of expert designations (with reports) is currently
- 3 February 20, 2014;
- 4 3. The last date for the service of rebuttal expert designations (with reports) is
- 5 currently March 3, 2014;
- 6 4. The Expert Discovery cutoff date is currently March 20, 2014;
- 7 5. The Final Pre-Trial Conference is May 20, 2014.
- 8 6. The parties conducted a number of non-party depositions in November 2013. San
- 9 Benito took the depositions of personnel from KISAQ and Frazier. Frazier and KISAQ took the
- 10 depositions of San Benito personnel in January and early February 2014. The deposition of Karl
- 11 Mai, the Materials/Architectural Engineer for the United States Corps of Engineers was taken on
- 12 January 13, 2014.
- 13 7. San Benito, Frazier, KISAQ, Federal, and Western (collectively “the Parties”)
- 14 agree that an additional 14 days are needed to complete the initial expert disclosures with reports.
- 15 The Parties agree that all other expert discovery cutoff dates should be extended by 14 days.
- 16 8. The parties, through their attorneys of record, hereby stipulate to the continuance
- 17 of the service of expert designations (with reports) deadline from February 20, 2014 to March 6,
- 18 2014.
- 19 9. The parties, through their attorneys of record, hereby stipulate to the continuance
- 20 of the rebuttal expert designations (with reports) deadline from March 3, 2014 to March 17,
- 21 2014.
- 22 10. The parties, through their attorneys of record, hereby stipulate to the continuance
- 23 of the Expert Discovery cutoff date from March 20, 2014 to April 3, 2014.
- 24 11. This stipulation may be executed by fax or email and that fax or email signature
- 25 will be treated as an original for all purposes.

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1 12. 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 **IT IS SO STIPULATED AND AGREED.**

4 DATED: February 14, 2014

MONTELEONE & McCRORY, LLP

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7 By 

WILLIAM J. INGALSBE

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12 DATED: February 14, 2014

CASE, IBRAHIM & CLAUSS, LLP

13
14 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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19 **DEADLINE FOR DESIGNATION OF EXPERTS WITH REPORTS IS CONTINUED TO**
20 **FEBRUARY 27, 2014. NO OTHER DEADLINES ARE AFFECTED.**

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

22 Date: February 20, 2014

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25 HOWARD R. LLOYD
26 United States Magistrate Judge