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5 Attorneys for Defendant and Counterclaim Plaintiff, **BILBRO CONSTRUCTION**
 6 **COMPANY, INC.**, and Defendant, **INTERNATIONAL FIDELITY INSURANCE**
 7 **COMPANY**

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

10 **UNITED STATES OF AMERICA** for the)
 Use and Benefit of **PENN AIR CONTROL,**)
 11 **INC.,**)

12 Plaintiff,

13 v.

14 **BILBRO CONSTRUCTION COMPANY,**)
 15 **INC. and INTERNATIONAL FIDELITY**)
 16 **INSURANCE COMPANY,**)

17 Defendants.

Case No. **15-CV-03327-NC**

) **STIPULATION RE: TRANSFERRING**
) **CASE TO THE UNITED STATES**
) **DISTRICT COURT FOR THE**
) **SOUTHERN DISTRICT OF**
) **CALIFORNIA; ORDER THEREON**

) **COURTROOM: 7**
) **JUDGE: HON. NATHANAEL COUSINS**
) **TRIAL DATE: None Set**

18 AND RELATED COUNTERCLAIMS.)

19 **IT IS HEREBY STIPULATED** by and between plaintiff and counterclaim defendant
 20 **PENN AIR CONTROL, INC.** (“Penn”), defendant and counterclaim plaintiff **BILBRO**
 21 **CONSTRUCTION COMPANY, INC.** (“Bilbro”), defendant **INTERNATIONAL FIDELITY**
 22 **INSURANCE COMPANY (“IFIC”),** and counterclaim defendant **ALPHA MECHANICAL, INC.**
 23 (“Alpha”) (collectively the “Parties”), by and through their undersigned counsel of record,
 24 pursuant to 28 United States Code (“U.S.C.”) §§ 1404 and 1406 as follows:
 25

27 **STIPULATION RE: TRANSFERRING CASE TO THE UNITED STATES DISTRICT COURT FOR THE**
 28 **SOUTHERN DISTRICT OF CALIFORNIA; ORDER THEREON**

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1. Pursuant to 28 U.S.C. §§ 1404 and 1406, the Parties agree that the Southern District of California, located in San Diego County, is the venue most convenient for all parties, witnesses, and legal counsel to prosecute this action;

2. Pursuant to 28 U.S.C. §§ 1404 and 1406, the Parties hereby agree and request the Court to transfer this entire action to the United States District Court for the Southern District of California (San Diego County);

3. The Parties agree that the requested transfer shall not be asserted by any party to this Stipulation to be a bar or other defense to claims and/or defenses already asserted or to be asserted in the future in this Action;

4. The Parties agree that Alpha shall file its answer and counterclaims in the U.S. District for the Southern District of California within twenty (20) days after the Parties receive notice that said court has received transfer of the entire case from this Court; and

5. The Parties hereby agree and request the Court to vacate, without prejudice, all motion and hearing dates presently pending in this matter.

IT IS SO STIPULATED by the Parties.

Dated: December 30, 2015.

LEPISCOPO & ASSOCIATES LAW FIRM

By: _____
Peter D. Lepiscopo, Esq.,

Attorneys for Defendant and Counterclaim Plaintiff, BILBRO CONSTRUCTION COMPANY, INC., and Defendant, INTERNATIONAL FIDELITY INSURANCE COMPANY

STIPULATION RE: TRANSFERRING CASE TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA; ORDER THEREON

LEPISCOPO & ASSOCIATES LAW FIRM

1 Dated: December ⁶30 2015.

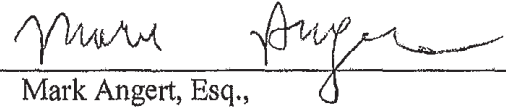
THEODORE A. ANDERSON LAW CORPORATION

By: 
Theodore A. Anderson, Esq.,

Attorneys for Plaintiff and Counterclaim Defendant, PENN AIR CONTROL, INC.

7 Dated: December 30, 2015.

SOLOMON WARD SEIDENWURM & SMITH, LLP

By: 
Mark Angert, Esq.,

Attorneys for Counterclaim Defendant, ALPHA MECHANICAL, INC.

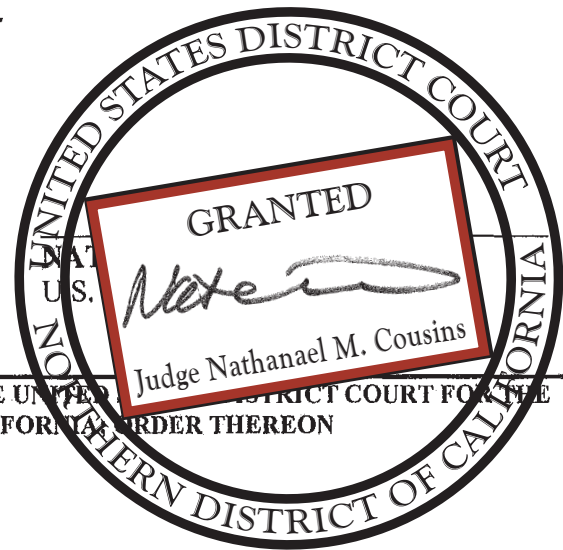
ORDER

16 **IT IS HEREBY ORDERED** that the terms of the foregoing stipulation are hereby
17 granted.

18 **IT IS FURTHER ORDERED** that the Clerk of Court shall cause this entire case to be
19 transferred to the United States District Court for the Southern District of California, located at
20 333 West Broadway, San Diego, California 92101.

22 **IT IS SO ORDERED.**

24 Date: December 30, 2015.



27 STIPULATION RE: TRANSFERRING CASE TO THE UNITED STATES DISTRICT COURT FOR THE
28 SOUTHERN DISTRICT OF CALIFORNIA ORDER THEREON