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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

R&O CONSTRUCTION COMPANY, a  
Utah corporation,

Case No. 2:09-cv-01749

Plaintiff,

vs.

**STIPULATION AND ORDER TO EXTEND  
TIME TO ANSWER COMPLAINT - (FIRST  
REQUEST)**

NEW CREATION MASONRY, INC., a  
Nevada corporation; ROX PRO  
INTERNATIONAL GROUP, LTD., a  
Chinese company, dba ROX PRODUCTS  
INTERNATIONAL; REAL STONE  
SOURCE, LLC, a Nevada limited liability  
company; and WD PARTNERS, INC., an  
Ohio corporation,

Defendants.

It is hereby stipulated by and between Plaintiff R&O Construction Company, by and through their counsel, SMITH LARSEN & WIXOM AND CALLISTER NEBEKER & MCCULLOUGH, and Defendant WD Partners, Inc., by and through its counsel, JONES VARGAS, as follows:

1. On September 3, 2009, R&O Construction Company filed a Complaint in this Court against, among other defendants, WD Partners, Inc.

1           2.       Pursuant to the Federal Rules of Civil Procedure, the due date for filing an answer  
2 is October 6, 2009.

3           3.       WD Partners, Inc. needs additional time to respond to R&O Construction  
4 Company's Complaint. As a result, the parties hereby stipulate and agree that WD Partners, Inc.  
5 shall have until October 20, 2009, to respond to R&O Construction Company's Complaint.

6           4.       The two-week extension is necessitated as a result of the time it took WD  
7 Partners, Inc. to retain counsel and to allow counsel to appropriately respond to the Complaint.

8           5.       This is the first stipulation regarding a timetable for responding to R&O  
9 Construction Company's Complaint.

10 DATED this 1<sup>st</sup> day of October, 2009.

DATED this 1<sup>st</sup> day of October, 2009.

11 JONES VARGAS

CALLISTER NEBEKER & McCULLOUGH

12  
13 By: /s/ John P. Desmond  
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*Attorneys for R&O Construction  
Company*

25 *Attorneys for Defendant WD Partners, Inc.*

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26 Pursuant to the foregoing Stipulation, IT IS SO ORDERED.



27 LARRY R. HICKS  
28 UNITED STATES DISTRICT JUDGE  
DATED: October 2, 2009