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8
 9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**

11 THE ERECTION COMPANY, INC., a
 12 Washington Corporation

CASE NO. 2:12-cv-00612-MMD-NJK

13 Plaintiff,

STIPULATED FACTS

14 vs.

15 ARCHER WESTERN CONTRACTORS,
 LLC, a Delaware foreign limited-liability
 16 company; POSTEL ERECTION GROUP,
 LLC, a domestic limited liability company;
 17 POSTEL WEST, INC., an Arizona
 corporation; POSTEL INDUSTRIES, INC., an
 18 unknown entity; DOES I through X; ROES XI
 through XX

19 Defendants.

20 AND RELATED MATTERS

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 23 Plaintiff, The Erection Company (“TEC”) and Defendants Archer Western Contractors, LLC
 24 (“AWC”), by and through their counsel of record, hereby jointly move for an Order stipulating
 25 certain, uncontested facts.

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I. STATEMENT OF UNDISPUTED FACTS

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2 1. On September 3, 2010, the FAA awarded to AWC Contract No. DTFANM-10-
3 00215, Construction of a new Airport Traffic Control Tower and Terminal Radar Approach
4 Control (together the “Project” or “Tower”) at McCarran International Airport in Las Vegas,
5 Nevada (the “Prime Contract”).

6 2. AWC obtained a payment bond (the “AWC Bond”) in the amount of
7 \$40,229,000.00 from Travelers for the Project.

8 3. On or about May 20, 2011, AWC entered into a certain subcontract with Postel (the
9 “Postel Subcontract”) for steel fabrication and installation.

10 4. On or about Nov. 8, 2011, Postel entered into a subcontract with TEC for steel
11 installation (the “TEC Subcontract”).

12 5. TEC obtained a payment and performance bond in the amount of \$1,609,970.00
13 from Travelers for the Project (the “TEC Bond”).

14 6. On or about November 14, 2011, TEC commenced work on the Project.

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1 7. On March 1, 2012, AWC and Postel entered into an Assignment Agreement (“the
2 Assignment”) where Postel agreed to assign all of “its rights and obligations under the TEC
3 Subcontract” to AWC.

4 DATED this 4th day of December, 2015.

7 THE FAUX LAW GROUP

8 /s/ Kurt C. Faux

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and Travelers Surety and Casualty Company of
13 America (Bond No. 105478077)*

KEMP, JONES & COULTHARD, LLP

8 /s/ Spencer H. Gunnerson

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12 *Counsel for The Erection Company*

14 WATT, TIEDER, HOFFAR
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15 /s/ David R. Johnson

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20 (Bond No. 105707041)*

23 IT IS SO ORDERED.

24 **ORDER**

25 

26 United States District Court Judge

27 DATED: December 7, 2015