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13
 14 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA
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16 FIDELITY AND DEPOSIT COMPANY OF
 MARYLAND, a Maryland corporation,

17 Plaintiff,

18 vs.

19 BIG TOWN MECHANICAL, LLC, a
 20 Nevada limited liability company;
 TRAVELERS CASUALTY AND SURETY
 21 COMPANY OF AMERICA, a Connecticut
 22 corporation; DOES I through X; and ROE
 CORPORATIONS I-X; inclusive,

23 Defendants.

Case No. 2:13-cv-00380-JAD- GWF

24 **STIPULATION AND**
ORDER TO RE-FILE TRAVELERS'
RESPONSE TO FIDELITY'S MOTION
FOR PARTIAL SUMMARY
JUDGMENT ON REIMBURSEMENT
RELATED TO DELAY DAMAGES

ECF No. 311

24 AND RELATED COUNTER-CLAIMS
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27 Defendant/Counter-Claimant TRAVELERS CASUALTY AND SURETY
 28 COMPANY OF AMERICA ("TRAVELERS"), by and through its undersigned counsel,

1 and Plaintiff/Counter-Defendant Fidelity and Deposit Company of Maryland (“F&D”), by
2 and through its undersigned counsel, (collectively referred to herein as the “Parties”),
3 hereby present this Stipulation and Proposed Order to allow TRAVELERS to re-file
4 TRAVELERS’ Response Brief to F&D’s Motion for Partial Summary Judgment on
5 Reimbursement Related to Delay Damages [ECF No. 287].

6 On November 13, 2017, the Court issued a Minute Order with regard to
7 TRAVELERS Response to F&D’s Motion for Partial Summary Judgment Re: First
8 Material Breach [ECF No. 296] and Objections [ECF No. 297]. The Court instructed
9 TRAVELERS to resubmit its Response as a single document within the 30 page limit of
10 LR 7-3(a) by November 17, 2017, because the combine number of pages of its Response
11 and Objections exceed the 30 page limit. TRAVELERS will proceed with re-submitting its
12 Response pursuant to the Court’s order.

13 The Parties, through this stipulation, seek to bring to the Court’s attention that the
14 same issue exists with regard to TRAVELERS’ Response Brief to F&D’s Motion for
15 Partial Summary Judgment on Reimbursement Related to Delay Damages [ECF No. 287],
16 that is, TRAVELERS Response [ECF No. 304] and Objections [ECF No. 305] exceed 30
17 pages.

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1 Accordingly, the Parties request that the Court allow TRAVELERS to re-file its
2 Response to F&D's Motion for Partial Summary Judgment on Reimbursement Related to
3 Delay Damages [ECF No. 287] by November 17, 2017.

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5 DATED this 13th day of November, 2017.

DATED this 13th day of November, 2017.

6 KOLESAR & LEATHAM


BOOTH, MITCHEL & STRANGE LLP

7 /s/ Ryan T. Gormley, Esq. (with permission)
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ORDER

11 **IT IS SO ORDERED.** The Clerk of Court is directed to strike documents 304 and 305
12 from the record.

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UNITED STATES DISTRICT JUDGE
15 DATED: 11-14-17
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