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9 *Attorneys for Jaynes Corporation and Western Surety*  
10 *Company*

11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 UNITED STATES FOR THE USE AND  
14 BENEFIT OF AGATE STEEL, INC.;  
15 AGATE STEEL, INC., an Arizona  
corporation,

16 Plaintiffs,

17 vs.

18 JAYNES CORPORATION, a New Mexico  
corporation; WESTERN SURETY  
19 COMPANY, a South Dakota corporation,

20 Defendants.

21 JAYNES CORPORATION, a New Mexico  
corporation,

22 Third-Party Plaintiff,

23 vs.

24 AMERICAN STEEL CORPORATION, a  
Nevada corporation, THE OHIO  
CASUALTY INSURANCE COMPANY, a  
foreign corporation,

25 Third-Party Defendants.  
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CASE NO. 2:13-cv-01907-APG-NJK

**STIPULATION AND [**  
**ORDER TO CONTINUE BRIEFING**  
**SCHEDULE ON ALL PENDING**  
**MOTIONS**

**(Second Request)**

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1 Defendant/Third-Party Plaintiff Jaynes Corporation, Inc. (“Jaynes”) and Defendant  
2 Western Surety Company (“Western”); Plaintiff United States for the Use and Benefit of Agate  
3 Steel, Inc. (“Agate”); and Third-Party Defendants American Steel Corporation (“American  
4 Steel”) and the Ohio Casualty Insurance Company (“Ohio”), by and through their respective  
5 counsel (collectively the “Parties”), hereby file this Stipulation and [Proposed] Order to Continue  
6 Briefing Schedule on All Pending Motions. This request complies with Local Rule (“LR”) 6-1  
7 and 7-1. The litigation of this matter will be best served by the proposed extension.

8 At issue here are the following motions. Jaynes’ motions filed on August 13, 2015:  
9 Jaynes’ Motion to Strike American Steel’s Expert Designation [Doc. No. 104]; Motion for Partial  
10 Summary Judgment re American Steel’s Damages [Doc. No. 106]; Motion for Partial Summary  
11 Judgment re Obligation to Defend and Indemnify [Doc. No. 110]. American Steel and Ohio’s  
12 Motion for Partial Summary Judgment Against Jaynes Corporation Re: Bond Claims, filed on  
13 August 20, 2015 [Doc. No. 117].

14 **I. REQUEST FOR CONTINUED BRIEFING DEADLINES**

15 Jaynes and American Steel have filed a number of dispositive motions and are in the  
16 process of completing discovery, which closes on September 14, 2015. Additionally, while the  
17 Parties were unable to resolve this action during mediation, American Steel and Jaynes are still  
18 participating in settlement discussions. Jaynes and American Steel desire to continue the current  
19 briefing deadlines to allow the Parties to focus on preparation, taking, and travel associated with  
20 the upcoming depositions. Also, the Parties desire to limit the fees and costs incurred in this  
21 action, and in light of ongoing resolution efforts, would benefit from additional time to brief all  
22 pending motions. Finally, because the dispositive motion deadline is October 14, 2015, the  
23 continued deadlines will not alter or impact the current dispositive motion deadline. Agate has no  
24 opposition to this requested continuance.

25 **II. PROPOSED NEW DEADLINES**

26 **A. Jaynes’ Motion to Strike American Steel’s Expert Designation [Doc. No. 104]:**

27 Opposition currently: September 3, 2015

28 Opposition proposed: October 8, 2015

1 Reply currently: September 14, 2015

2 Reply proposed: October 19, 2015

3 **B. Jaynes' Motion for Partial Summary Judgment re American Steel's Damages**  
4 **[Doc. No. 106] and Motion for Partial Summary Judgment re Obligation to Defend and**  
5 **Indemnify [Doc. No. 110]:**

6 Opposition currently: September 8, 2015

7 Opposition proposed: October 8, 2015

8 Reply currently: September 25, 2015

9 Reply proposed: October 26, 2015

10 **C. American Steel and Ohio's Motion for Partial Summary Judgment Against**  
11 **Jaynes Corporation Re: Bond Claims [Doc. No. 117]:**

12 Opposition currently: September 14, 2015

13 Opposition proposed: October 14, 2015

14 Reply currently: October 1, 2015

15 Reply proposed: November 2, 2015

16 **III. CONCLUSION**

17 For the foregoing reasons, the Parties respectfully request that the Court grant their  
18 request to continue the briefing schedule on all pending motions.

19 Dated: September 2, 2015

Dated: September 2, 2015

20 SNELL & WILMER L.L.P.

LAW OFFICES OF TIMOTHY D. DUCAR,  
PLC


21 By: /s/ Robin E. Perkins

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Benefit of Agate Steel, Inc. and Agate  
Steel, Inc.*

IT IS SO ORDERED.  
Dated: September 2, 2015

  
United States District Judge

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Dated: September 2, 2015

CHEIFETZ IANNITELLI MARCOLINI, P.C.

By: /s/ Claudio E. Iannitelli  
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Benefit of American Steel Corporation;  
American Steel Corporation; and the Ohio  
Casualty Insurance Corporation*

**ORDER**

IT IS SO ORDERED.

DATED this \_\_\_\_\_ day of September, 2015.

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U.S. DISTRICT COURT JUDGE

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Respectfully submitted:

SNELL & WILMER L.L.P.

By: /s/ Robin E. Perkins

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**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **STIPULATION AND [PROPOSED] ORDER TO CONTINUE BRIEFING SCHEDULE ON ALL PENDING MOTIONS (Second Request)** by the method indicated:

- \_\_\_\_\_ U.S. Mail
- \_\_\_\_\_ U.S. Certified Mail
- \_\_\_\_\_ Facsimile Transmission
- \_\_\_\_\_ Overnight Mail
- \_\_\_\_\_ Federal Express
- \_\_\_\_\_ Hand Delivery
- X   Electronic Filing/ECF

and addressed to the following:

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DATED: September 2, 2015

/s/ Maricris Williams  
An Employee of Snell & Wilmer L.L.P.