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11 UNITED STATES DISTRICT COURT  
 12 DISTRICT OF NEVADA

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

16 Plaintiffs,

17 vs.

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

20 Defendants.

21 JAYNES CORPORATION, a New  
 Mexico corporation,

22 Third-Party Plaintiff,

24 vs.

25 AMERICAN STEEL CORPORATION,  
 an Arizona corporation, THE OHIO  
 26 CASUALTY INSURANCE  
 COMPANY, a foreign corporation,

27 Third-Party Defendants.

CASE NO. 2:13-cv-01907-APG-NJK

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

**(Third Request)**

1 UNITED STATES FOR THE USE  
2 AND BENEFIT OF AMERICAN  
3 STEEL CORPORATION, an Arizona  
corporation,

4 Third-Party Defendants/  
5 Cross-Claimants

6 vs.

7 JAYNES CORPORATION, a New  
8 Mexico corporation, AMERICAN  
9 STEEL CORPORATION, an Arizona  
corporation, THE OHIO CASUALTY  
INSURANCE COMPANY, a foreign  
corporation,

10 Third-Party Cross-Defendants.

11 Defendants/Third-Party Plaintiff Jaynes Corporation and Defendant Western  
12 Surety Company (collectively “Jaynes”) and Third-Party Defendants American Steel  
13 Corp. and The Ohio Casualty Insurance Company (collectively, “American Steel”), by  
14 and through their respective counsel (“the Parties”), hereby file this Stipulation and  
15 [Proposed] Order to Continue Briefing Schedule on All Pending Motions. This request  
16 complies with Local Rule (“LR”) 6-1 and 7-1. The litigation of this matter will be best  
17 served by the proposed extension.

18 The following motions are currently pending:

- 19 ○ Jaynes’ Motion to Strike American Steel’s Expert Designation (“Motion to  
20 Strike”) [dkt. 104]
- 21 ○ Jaynes’ Motion for Partial Summary Judgment re American Steel’s  
22 Damages [dkt. 106]
- 23 ○ Jaynes’ Motion for Partial Summary Judgment re Obligation to Defend and  
24 Indemnify [dkt. 110] and
- 25 ○ American Steel’s Motion for Partial Summary Judgment re Bond Claims  
26 [dkt.117].

27 The Court previously granted the Parties’ Stipulation to Continuing Briefing on these  
28 motions [dkt. 130] to allow the Parties to complete several depositions.

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

2 American Steel and Jaynes have recently completed several lay and expert  
3 depositions that required preparation and out of town travel for all counsel. The Parties  
4 cooperated to schedule depositions in such a manner to accommodate the witness' and  
5 experts' schedule availability and location preference. The Parties intend to use the  
6 deposition transcripts to prepare their responses to the pending motions. However, not all  
7 of the transcripts are available. Additionally, American Steel and Jaynes are still engaged  
8 in discussions that may facilitate settlement. Accordingly, American Steel and Jaynes  
9 desire to continue the current briefing schedule and to extend the deadline for filing  
10 dispositive motions. Agate's counsel does not object to the requested continuance.

11 **II. PROPOSED NEW DEADLINES**

12 **A. Jaynes' Motion to Strike American Steel's Expert Designation [Dkt. 104]:**

13 Opposition currently: October 8, 2015  
14 Opposition proposed: October 19, 2015

15 Reply currently: October 19, 2015  
16 Reply proposed: October 30, 2015

17 **B. Jaynes' Motion for Partial Summary Judgment re American Steel's**  
18 **Damages [Dkt. 106] and Motion for Partial Summary Judgment re**  
19 **Obligation to Defend and Indemnify [Dkt. 110]:**

20 Opposition currently: October 8, 2015  
21 Opposition proposed: October 19, 2015

22 Reply currently: October 26, 2015  
23 Reply proposed: November 6, 2015

24 **C. American Steel and Ohio's Motion for Partial Summary Judgment Against**  
25 **Jaynes Corporation Re: Bond Claims [Dkt. 117]:**

26 Opposition currently: October 14, 2015  
27 Opposition proposed: October 21, 2015

28 Reply currently: November 2, 2015  
Reply proposed: November 13, 2015

1 **D. Deadline for filing Dispositive Motions:**

2 Current Deadline: October 14, 2015

3 Proposed Deadline: October 26, 2015

4 **III. CONCLUSION**

5 For the foregoing reasons, the Parties respectfully request that the Court grant their  
6 short continuance to the briefing schedule on all pending motions.

7 **DATED** this 6<sup>th</sup> day of October, 2015.

<p>8 <b>SNELL &amp; WILMER, LLP</b></p> <p>9 By: <u>/s/ Robin E. Perkins, Esq.</u></p> <p>10 Leon F. Mead, II (NV Bar No. 5719)</p> <p>11 Robin E. Perkins (NV Bar No. 9891)</p> <p>12 3883 Howard Hughes Pkwy., Ste. 1100</p> <p>13 Las Vegas, NV 89169</p> <p>14 Telephone: (702) 784-5200</p> <p>15 Facsimile: (702) 784-5252</p> <p><i>Attorneys for Jaynes Corporation and Western Surety Company</i></p>	<p><b>CHEIFETZ IANNITELLI MARCOLINI, P.C.</b></p> <p>By: <u>/s/ Cynthia R. Estrella, Esq.</u></p> <p>Claudio E. Iannitelli (<i>Pro Hac Vice</i>)</p> <p>Cynthia R. Estrella (NV Bar No. 8447)</p> <p>111 West Monroe Street, 17<sup>th</sup> Floor</p> <p>Phoenix, Arizona 85003</p> <p>Telephone: (602) 952-6000</p> <p>Facsimile: (602) 952-7020</p> <p><i>Attorneys for American Steel Corporation and The Ohio Casualty Insurance Corporation</i></p>
<p>16 <b>LAW OFFICES OF TIMOTHY D. DUCAR</b></p> <p>17 By: <u>/s/ Timothy D. Ducar, Esq.</u></p> <p>18 Timothy D. Ducar (NV Bar No. 1057)</p> <p>19 8360 E. Raintree Drive, Suite 140</p> <p>20 Scottsdale, AZ 85260</p> <p><i>Attorney for U.S. ex rel. Agate Steel, Inc. and Agate Steel, Inc.</i></p>	

21 **ORDER**

22 IS IT SO ORDERED.

23 Dated: October 7, 2015.

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26 UNITED STATES DISTRICT JUDGE