

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

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| UNITED STATES OF AMERICA, |) |) | |
| For The Use and Benefit of |) |) | |
| J.H. LYNCH & SONS, INC., |) |) | |
| |) |) | |
| Plaintiff, |) |) | |
| |) |) | |
| v. |) |) | C.A. No. 10-366 S |
| |) |) | |
| TRAVELERS CASUALTY & SURETY COMPANY |) |) | |
| OF AMERICA and HONEYWELL BUILDING |) |) | |
| SOLUTIONS SES CORP., |) |) | |
| |) |) | |
| Defendants. |) |) | |
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ORDER

WILLIAM E. SMITH, United States District Judge.

Defendants Travelers Casualty & Surety Company of America ("Travelers") and Honeywell Building Solutions SES ("Honeywell") (collectively "Defendants") moved to dismiss this action brought by Plaintiff United States of America ex rel. J.H. Lynch & Sons, Inc. ("Lynch").¹ In the alternative to dismissal, the Defendants asked the Court to stay this litigation pending a determination by the United States Navy on Honeywell's request for an equitable adjustment of the contract price for a contract they say includes Lynch's claim.

¹ Defendants' motion to consolidate this matter with related case, United States ex rel. Arden Engineering Constructors, LLC v. Honeywell Building Solutions SES and Travelers Casualty & Surety Company of America, C.A. No. 10-365 S, is also pending before this Court. (See Def.'s Mot. to Consolidate (ECF No. 7).)

After a hearing was held on this motion, among other motions, the Court received a letter from Lynch indicating that it was willing to enter into a stipulation with Defendants for a sixty day stay of litigation. (Letter from L. McCarthy, III, Counsel to J.H. Lynch & Sons, Inc., to the Hon. William E. Smith (Dec. 10, 2010) at 1.)

Having heard no objection from Defendants, this action is hereby STAYED for a period of sixty (60) days. This order will be effective nunc pro tunc as of December 10, 2010, the date of Plaintiff's letter.

IT IS SO ORDERED.

/s/ William E. Smith

William E. Smith
United States District Judge
Date: January 5, 2011