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John R. Tomlinson, Jr., Esq.  
Abigail Z. Jin, Esq.  
BAROKAS MARTIN & TOMLINSON  
1422 Bellevue Avenue  
Seattle, Washington 98122  
(206) 621-1871

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

UNITED STATES for the use and benefit of  
TERAS CONSTRUCTION, LLC, a  
Washington limited liability company,

Plaintiff,

v.

DIVERSIFIED MAINTENANCE SYSTEMS,  
INC., a Utah corporation; and HARTFORD  
FIRE INSURANCE COMPANY, a foreign  
corporation,

Defendants

**No.: 2:16-cv-00150 JLR**

**STIPULATION AND AGREED  
ORDER EXTENDING STAY**

**I. STIPULATION**

COME NOW the parties to this action, by and through their undersigned counsel,  
and stipulate to the entry of an Order extending the Stay currently in place in this matter so  
that the pending Arbitration proceedings in Utah may be completed. Plaintiffs filed this  
Miller Act complaint on February 1, 2016, against the Defendants. All parties agreed to  
hold this action in abeyance until December 31, 2016, to allow arbitration between the  
parties in the state of Utah to proceed. On December 23, 2017, this Court entered an Order  
Extending the Stay to April 30, 2017, again to allow arbitration between the parties in the  
state of Utah to proceed. That arbitration concerns the underlying facts in the instant action.

STIPULATION AND AGREED ORDER EXTENDING STAY  
- 1 -


BAROKAS MARTIN & TOMLINSON  
ATTORNEYS AT LAW  
1422 BELLEVUE AVENUE  
SEATTLE, WASHINGTON 98122  
TELEPHONE (206) 621-1871  
FAX (206) 621-9907

1 Dependent upon the outcome of the Utah arbitration proceedings, the underlying action  
2 likely shall become moot. The parties appointed arbitrator retired which caused a delay in  
3 the proceedings while a new arbitrator was located. One deposition remains to be taken  
4 and then the arbitration may be commenced. Counsel in Utah advises that the proceeding  
5 in Utah requires approximately another one hundred and twenty (120) days for completion.  
6 Therefore, the parties have agreed to hold this action in abeyance for an additional one  
7 hundred and twenty (120) days, until August 31, 2017.  
8

9 **II. ORDER**

10 THIS MATTER having been stipulated to by the parties, it is hereby **ORDERED**  
11 **AND ADJUDGED** that the stay in this matter shall be extended until August 31, 2017, by  
12 which time the Plaintiffs will inform the Court of the arbitration result and, dependent upon  
13 that result, dismiss this lawsuit.  
14

15 DONE IN OPEN COURT THIS <sup>26<sup>th</sup></sup> day of April, 2017.

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19 \_\_\_\_\_  
THE HONORABLE JAMES L. ROBART  
United States District Judge

20 Presented By:  
21 BAROKAS MARTIN & TOMLINSON

22 By: /s/ John R. Tomlinson, Jr.  
23 John R. Tomlinson, Jr., WSBA #14124  
24 Abigail Z. Jin, WSBA #43962  
Attorney for Plaintiffs

25 LAW OFFICES OF RALPH C. POND, PLLC

26 By: /s/ Ralph C. Pond  
27 Ralph C. Pond, WSBA #11934  
28 Attorney for Defendants

STIPULATION AND AGREED ORDER EXTENDING STAY

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BAROKAS MARTIN & TOMLINSON  
ATTORNEYS AT LAW  
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SEATTLE, WASHINGTON 98122  
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FAX (206) 621-9907