

No. S233526

SUPREME COURT  
**FILED**

FEB 23 2017

Jorge Navarrete Clerk

IN THE

Deputy

**SUPREME COURT OF CALIFORNIA**

SWEETWATER UNION HIGH SCHOOL  
DISTRICT,

Plaintiff and Respondent,

v.

GILBANE BUILDING COMPANY et al.

Defendants and Appellants.

On Petition for Review from a Decision of the Court of Appeal, Fourth  
Appellate District, Division One, No. D067383, on Appeal from an Order of  
the Superior Court, County of San Diego, No. 37-2014-00025070-CU-MC-CTL  
Hon. Eddie C. Sturgeon, Judge

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**STIPULATED NOTICE OF SETTLEMENT**

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Attorneys for Gilbane Building Company et al.

The parties to this appeal, through their respective counsel of record, give the following notice by stipulation.

1. On review before the Supreme Court is an interlocutory appeal from an order denying an anti-SLAPP motion. The underlying litigation is stayed as a result of the appeal.

2. The parties to this appeal and other parties with an interest in the subject matter have settled the underlying dispute. The settlement includes a mutual release of all claims between (i) the Sweetwater Union High School District and a party purporting to bring derivative claims on behalf of the District and (ii) Gilbane Building Company and Gilbane/SGI a joint venture. The District and derivative plaintiff have agreed to dismiss their actions when the appellate stay expires. The parties' rights and obligations are governed by the settlement. The outcome of the appeal will not affect the rights or obligations of any party.


3. The parties recognize—and their settlement agreement specifically acknowledges—that the Supreme Court exercises discretion to dismiss review or to retain the appeal on its active docket so it may resolve the legal issue on which the court granted review.

4. The undersigned counsel pledge that they will pursue the appeal with full professional attention through final disposition if the court retains the appeal.

Respectfully submitted,

DENTONS US LLP

By:

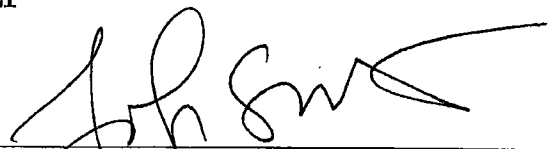


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Charles A. Bird  
Attorneys for Gilbane Building  
Company, et al.

SCHWARTZ SEMERDJIAN CAULEY &  
MOOT LLP

By:



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John S. Moot  
Attorneys for Sweetwater Union  
High School District

**PROOF OF SERVICE**

Sweetwater Union High School District v. Gilbane Building Company, et al.,  
Supreme Court Case No. S233526  
Court of Appeal, Fourth Appellate District, Division One, Case No. D067383  
San Diego Superior Court Case No. 37-2014-00025070-CU-MC-CTL

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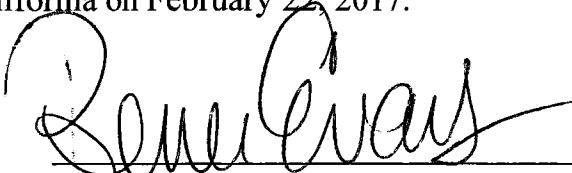
I, Renee M. Evans, declare as follows: I am employed with the law firm of Dentons US LLP, whose address is 4655 Executive Drive, Suite 700, San Diego, California 92121. I am over the age of eighteen years, and am not a party to this action. On February 22, 2017, I served the foregoing document described as:

**STIPULATED NOTICE OF SETTLEMENT**

**[X] U. S. MAIL:** I placed a copy in a separate envelope, with postage fully prepaid, for each addressee named below for collection and mailing on the below indicated day following the ordinary business practices at Dentons US LLP. I certify I am familiar with the ordinary business practices of my place of employment with regard to collection for mailing with the United States Postal Service. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit or mailing affidavit.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed at San Diego, California on February 22, 2017.

  
\_\_\_\_\_  
Renee M. Evans

**SERVICE LIST**

<p>John S. Moot, Esq. Sarah B. Evans, Esq. Kristen M. Johnson, Esq. Alison K. Adelman, Esq. SCHWARTZ SEMERDJIAN CAULEY &amp; MOOT LLP 101 West Broadway, Suite 810 San Diego, CA 92101 Tel.: 619.236.8821 Fax: 619.236.8827 Email: <a href="mailto:johnm@sscmlegal.com">johnm@sscmlegal.com</a> <a href="mailto:sarah@sscmlegal.com">sarah@sscmlegal.com</a> <a href="mailto:kristenb@sscmlegal.com">kristenb@sscmlegal.com</a></p> <p>James A. Ardaiz, Esq. BAKER MANOCK &amp; JENSEN, PC 5260 North Palm, Suite 421 Fresno, CA 93704 Tel: 559.432.5400 Fax: 559-432-5620 <a href="mailto:jardaiz@bakermanock.com">jardaiz@bakermanock.com</a></p>	<p><i>Attorneys for Plaintiff and Respondent Sweetwater Union High School District</i></p>
<p>Court of Appeal Fourth District, Division 1 750 B Street, Suite 300 San Diego, CA 92101</p>	
<p>Superior Court of the State of California Hon. Eddie Sturgeon 330 W. Broadway Department 67 San Diego, CA 92101</p>	