

1 MICHAEL E. MOSS 63408
2 HENRY Y. CHIU 222927
2 KIMBLE, MacMICHAEL & UPTON
A Professional Corporation
3 5260 North Palm Avenue, Suite 221
Fresno, California 93704
4 Telephone: (559) 435-5500
Facsimile: (559) 435-1500

5
6 Attorneys for Plaintiffs

7
8 **UNITED STATES DISTRICT COURT**
9
10 **EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION**

11 * * *

12 10 BOARDS OF TRUSTEES OF IBEW) Case No. 1:09-CV-02170-OWW-MJS
13 LOCAL UNION NO. 100 PENSION)
14 TRUST FUND; IBEW LOCAL UNION)
15 NO. 100 HEALTH AND WELFARE)
16 TRUST FUND; JOINT ELECTRICAL)
17 INDUSTRY TRAINING TRUST FUND;)
18 NATIONAL ELECTRICAL BENEFIT)
19 FUND; and BOARD OF TRUSTEES of)
20 IBEW DISTRICT NO. 9 PENSION PLAN)
TRUST FUND,
Plaintiffs)
vs.)
21 WILLIAM CHARLES PORGES,)
22 individually and doing business as)
ACCELERATED ELECTRIC,)
Defendant.)
23
24
25
26
27
28

**STIPULATION AND ORDER TO
EXTEND PRETRIAL DEADLINES
AND CONTINUE TRIAL**

[Fed. Rules Civ. Proc. Rule 6]

Plaintiffs Boards of Trustees of IBEW Local Union No. 100 Pension Trust Fund, IBEW Local Union No. 100 Health and Welfare Trust Fund, Joint Electrical Industry Training Trust Fund, National Electrical Benefit Fund, and Board of Trustees of IBEW District No. 9 Pension Plan Trust Fund (collectively, “Plaintiffs”) and defendant William Charles Porges (“Defendant”) hereby stipulate and agree to the following:

///

///

1 1. The Parties are discussing settlement of the present action, or alternatively, a
2 resolution of certain discovery issues, in the hopes that said issues, or the entire action, may be
3 resolved between themselves, without the expenditure of further judicial resources. In light of the
4 approaching pretrial deadlines and trial date, however, the Parties respectfully submit the present
5 Stipulation and Proposed Order to Extend Pretrial Deadlines and Continue Trial.

6 2. The following deadlines are currently in effect, as provided in the Scheduling
7 Conference Order issued by the Court on April 22, 2010, and in the Local Rules for the United
8 States District Court, Eastern District of California:

9	Deadline to disclose expert witnesses	Jan. 17, 2011
10	Deadline to submit Confidential Settlement Conference Statement	Feb. 11, 2011
11	Settlement Conference	Feb. 16, 2011 10:00 a.m., Ctrm. 10
13	Deadline to submit rebuttal or supplemental expert witness disclosures	Feb. 17, 2011
14	Discovery cut-off date	Mar. 7, 2011
15	Deadline to file non-dispositive motions	Mar. 25, 2011
17	Deadline to file dispositive motions	Apr. 18, 2011
18	Hearing on filed non-dispositive motions	Apr. 29, 2011 9:00 a.m., Ctrm. 10
19	Hearing on filed dispositive motions	May 23, 2011 10:00 a.m., Ctrm. 3
21	Deadline to submit Joint Pretrial Conference Statement	Jul. 1, 2011
22	Pretrial Conference	Jul. 11, 2011 11:00 a.m., Ctrm. 3
23	Trial	Aug. 23, 2011 9:00 a.m., Ctrm. 3
25	///	
26	///	
27	///	
28	///	

3. The Parties hereby stipulate and agree to extend the above deadlines and trial date as provided below – or to any other dates or times convenient for the Court – and respectfully request a Court order to that effect:

4	Deadline to disclose expert witnesses	Apr. 18, 2011
5	Deadline to submit Confidential Settlement Conference Statement	May 19, 2011
6	Settlement Conference	May 26, 2011 10:00 a.m., Ctrm. 6
7		
8	Deadline to submit rebuttal or supplemental expert witness disclosures	May 17, 2011
9		
10	Discovery cut-off date	Jun. 7, 2011
11		
12	Deadline to file non-dispositive motions	Jun. 17, 2011
13		
14	Deadline to file dispositive motions	Jul. 18, 2011
15		
16	Hearing on filed non-dispositive motions	Jul. 22, 2011 9:00 a.m., Ctrm. 6
17		
18	Hearing on filed dispositive motions	Aug. 22, 2011 10:00 a.m., Ctrm. 3
19		
20	Deadline to submit Joint Pretrial Conference Statement	Oct. 7, 2011
21		
22	Pretrial Conference	Oct. 17, 2011 11:00 a.m., Ctrm. 3
23		
24	Trial	Nov. 22, 2011 9:00 a.m., Ctrm. 3
25		

20 Dated: December 29, 2010. KIMBLE, MacMICHAEL & UPTON
21 A Professional Corporation

By: /s/ Henry Y. Chiu
HENRY Y. CHIU,
Attorney for Plaintiffs

25 Dated: December 29, 2010. MARKS, GOLIA & FINCH, LLP
A Limited Liability Partnership

By: /s/ Chad T. Wishchuk
CHAD T. WISHCHUK,
Attorney for Defendant

NO FURTHER CONTINUANCES

IT IS SO ORDERED.

Dated: December 30, 2010

/s/ **Oliver W. Wanger**
UNITED STATES DISTRICT JUDGE

LAW OFFICES
Kimble, MacMichael
& Upton
PROFESSIONAL CORPORATION
5260 NORTH PALM AVENUE
SUITE 221
P. O. Box 9489
FRESNO, CA 93792-9489