

1 Henry Y. Chiu, #222927
Tucker, Chiu, Hebesha & Ward PC
2 642 Pollasky Avenue, Suite 230
Clovis, California 93612
3 Telephone: (559) 472-9922
Facsimile: (559) 472-9892

4 Attorneys for Plaintiff

5 Justin T. Campagne, #211825
6 Wiley R. Driskill, #253913
Campagne, Campagne & Lerner
7 A Professional Corporation
Airport Office Center
8 1685 North Helm Avenue
Fresno, California 93727
9 Telephone: (559) 255-1637
Facsimile: (559) 252-9617

10 Attorneys for Defendant Gibson Wine Company

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12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**
14

15 BOARD OF TRUSTEES OF THE
16 UNITED FOOD AND COMMERCIAL
WORKERS NATIONAL HEALTH AND
WELFARE FUND,

17 Plaintiff,

18 v.

19 GIBSON WINE COMPANY, and DOES 1
20 through 50,

21 Defendants.

) Case No. 1:14-CV-01366-AWI-GSA

) **STIPULATION TO CONTINUE**
) **MANDATORY SCHEDULING**
) **CONFERENCE; ORDER**

) Currently Set Date: February 17, 2015

) Currently Set Time: 10:00 a.m.

) Courtroom: 10 (Hon. Mag. Judge Austin)

1 WHEREAS, Plaintiff Board of Trustees of the United Food and
2 Commercial Workers National Health and Welfare Fund (“Plaintiff”) and Defendant
3 Gibson Wine Company (“Defendant,” and together with Plaintiff, “the Parties”) stipulated
4 to service wherein Defendant’s response to the Complaint was due on or before January
5 29, 2015;

6 WHEREAS, the Defendant has filed a Petition to Compel Arbitration,
7 which is currently scheduled to be heard by the Honorable Judge Ishii at 1:30 p.m. on
8 March 2, 2015;

9 WHEREAS, the Mandatory Scheduling Conference is currently set before
10 the Honorable Magistrate Judge Austin for 10:00 a.m. on February 17, 2015, and the
11 Mandatory Joint Scheduling Conference Statement must therefore be filed on or before
12 February 10, 2015;

13 WHEREAS, due to the aforementioned time to respond and the filing of the
14 Defendant’s Petition, the Defendant has not yet filed an answer to the complaint;

15 WHEREAS, the parties intend to engage in meaningful settlement
16 negotiations, which may soon also include early mediation and/or settlement conference,
17 and wish to avoid incurring additional fees and unnecessarily utilizing judicial resources
18 while they explore, and hopefully finalize, a settlement;

19 NOW, THEREFORE, the Parties, by and through their respective counsel,
20 hereby stipulate as follows:

21 1. That the Mandatory Scheduling Conference currently set for
22 February 17, 2015 be continued to a date on or after March 17, 2015, at the Court’s
23 convenience.

24 Dated: February 10, 2015

Campagne, Campagne & Lerner
A Professional Corporation

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26 By /s/ Wiley R. Driskill
27 Wiley R. Driskill
28 Attorneys for Defendant Gibson Wine Co.

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Dated: February 10, 2015

Tucker, Chiu, Hebesha & Ward PC

By /s/ Henry Y. Chiu
Henry Y. Chiu
Attorneys for Plaintiff Board of Trustees,
UFCW National Health and Welfare Fund

ORDER

The Parties having so stipulated and good cause appearing,

IT IS ORDERED that the Mandatory Scheduling Conference currently set for February 17, 2015, is continued to March 19, 2015, in Courtroom 10 at 10:30 a.m. The Scheduling Conference Statement is to be filed no more than seven (7) days prior to the date of the conference.

IT IS SO ORDERED.

Dated: February 10, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE