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6 Attorneys for Plaintiffs

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 BOARD OF TRUSTEES OF THE
 LABORERS HEALTH AND WELFARE
 11 TRUST FUND FOR NORTHERN
 CALIFORNIA; BOARD OF TRUSTEES OF
 12 THE LABORERS VACATION-HOLIDAY
 TRUST FUND FOR NORTHERN
 13 CALIFORNIA; BOARD OF TRUSTEES OF
 THE LABORERS PENSION TRUST FUND
 14 FOR NORTHERN CALIFORNIA; and
 BOARD OF TRUSTEES OF THE
 15 LABORERS TRAINING AND RETRAINING
 TRUST FUND FOR NORTHERN
 16 CALIFORNIA,

17 Plaintiffs,

18 v.

19 E. UGARTE, INC. a California corporation dba
 KEVIN NELSON CONCRETE
 20 CONSTRUCTION COMPANY; EDGAR
 ORLANDO UGARTE, an Individual;
 21 ZOLMAN CONSTRUCTION &
 DEVELOPMENT, INC. AND SYNERGY
 22 PROJECT MANAGEMENT, J/V, a joint
 venture; ZOLMAN CONSTRUCTION &
 23 DEVELOPMENT, INC., a California
 corporation; SYNERGY PROJECT
 24 MANAGEMENT, a sole proprietorship; and
 DOES 1-10,

25 Defendants.
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Case No.: C 07 02549 WDB

**STIPULATION TO SET ASIDE CLERK'S
 ENTRY OF DEFAULT AGAINST
 ZOLMAN CONSTRUCTION &
 DEVELOPMENT, INC., AND SYNERGY
 PROJECT MANAGEMENT, J/V, a joint
 venture; ZOLMAN CONSTRUCTION &
 DEVELOPMENT, INC., a California
 corporation; SYNERGY PROJECT
 MANAGEMENT, a sole proprietorship;
 ORDER THEREON**

1 STIPULATION

2 IT IS HEREBY STIPULATED by and between Plaintiffs, on the one hand, and
3 Defendants Zolman Construction & Development, Inc. and Synergy Project Management, J/V, a
4 joint venture; Zolman Construction & Development, Inc.; and Synergy Project Management, a
5 sole proprietorship ("Zolman Defendants"), on the other hand, through their respective counsel,
6 as to the following.

7 On May 14, 2007 Plaintiffs filed their Complaint for Damages for Breach of Collective
8 Bargaining Agreement, To Recover Unpaid Trust Fund Contributions, For Breach of Fiduciary
9 Duty and For Mandatory Injunction ("Complaint") against all defendants, including the Zolman
10 Defendants. The Zolman Defendants were served on May 22, 2007. No responsive pleading
11 was filed.

12 On November 1, 2007 the Clerk of Court entered the default of the Zolman Defendants.

13 On April 17, 2009 Plaintiffs filed their motion for default judgment against the Zolman
14 Defendants. Hearing is set for June 10, 2009.

15 On or about May 4, 2009 Patricia Walsh, counsel for the Zolman Defendants, called
16 Ronald L. Richman, counsel for Plaintiffs, and advised Mr. Richman that the Zolman
17 Defendants confused this litigation with another trust fund litigation that was settled and for that
18 reason, failed to file a responsive pleading. Ms. Walsh advised that the failure to respond was
19 inadvertent. Ms. Walsh requested that Plaintiffs agree to set aside the Clerk's Entry of Default,
20 vacate the hearing date on Plaintiffs' motion for default judgment and allow the Zolman
21 Defendants to file a responsive pleading. Plaintiffs agreed.

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1 Based on the above, the parties request that this Court vacate the Clerk's Entry of
2 Default against the Zolman Defendants, vacate the hearing date on Plaintiffs' motion for default
3 judgment and allow the Zolman Defendants 10 days to file a responsive pleading.

4 DATED: May 20, 2009

BULLIVANT HOUSER BAILEY PC

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6
7 By 
8 Ronald L. Richman

9 Attorneys for Plaintiffs

10 DATED: May 20, 2009

11 LEONIDOU & ROSIN

12
13 By 
14 Patricia Walsh

15 Attorneys for Defendants
16 Zolman Construction & Development, Inc. and
17 Synergy Project Management, J/V, a joint venture;
18 Zolman Construction & Development, Inc.; and
19 Synergy Project Management, a sole proprietorship
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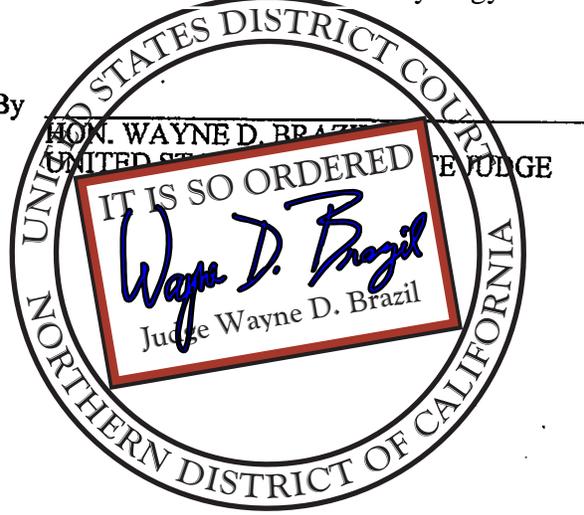
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ORDER

The Court having read the Stipulation to Vacate Clerk's Entry of Default and good cause appearing therefore:

IT IS HEREBY ORDERED that the Clerk's Entry of Default is vacated, the hearing date on Plaintiffs' motion for default judgment is vacated and Defendants Zolman Construction & Development, Inc. and Synergy Project Management, J/V, a joint venture; Zolman Construction & Development, Inc.; and Synergy Project Management, a sole proprietorship shall have 10 days from the date this Order is signed and filed to file a responsive pleading. Plaintiffs' counsel is directed to serve a copy of this order on the Zolman Construction and Synergy Defendants.
DATED: May 27, 2009

By



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