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12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 Paul Bensi, Bart Florence, Jerry Kalmar, and
16 Lyle Setter, in their capacities as Trustees of
17 the STATIONARY ENGINEERS LOCAL 39
PENSION TRUST FUND; STATIONARY
18 ENGINEERS LOCAL 39 ANNUITY TRUST
FUND; and STATIONARY ENGINEERS
19 LOCAL 39 HEALTH AND WELFARE
TRUST FUND,

20 Plaintiff,

21 v.

22 AC SERVICE & DESIGN COMPANY, A
California Corporation,

23 Defendant.
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Case No: C 08 -01757- CW

STIPULATED REQUEST FOR ORDER
CHANGING TIME AND ~~PROPOSED~~
ORDER.

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1 Pursuant to Local Rules 6-1 and 6-2, the parties, Defendant AC Service & Design
2 (hereinafter “Defendant”) and Plaintiffs Paul Bensi, Bart Florence, Jerry Kalmar, Lyle Setter, in their
3 capacities as Trustees of the Stationary Engineers Local 39 Pension Trust Fun, Stationary Engineers
4 Local 39 Annuity Trust Fund and Stationary Engineers Local 39 Health and Welfare Trust Funds
5 (hereinafter “Plaintiffs”), by and through their undersigned counsel, jointly submit this Stipulated
6 Request for an Order Changing Time.

7 Pursuant to Local Rule 6-1 and 6-2, the reasons and effects of the requested time
8 modifications is set forth in the accompanying Declaration of P. Sophie Mai (hereinafter “Mai
9 Decl.”) filed concurrently therewith.

10 The parties have conferred and have determined that it will benefit the parties in this
11 litigation if the following dates will be modified as followed :

- 12 • Change the Deadline for Plaintiffs to file their opposition to Defendant’s cross-
13 motion and reply to Defendant’s opposition to Plaintiff’s motion from January 9,
14 2009 to January 16, 2009.
- 15 • Change the deadline for Defendant to file its reply from January 16, 2009 to January
16 23, 2009.
- 17 • Continue the January 21, 2009 Summary Judgment Cross-motions hearing to
18 February 4, 2009.

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20 To date, the parties have modified the pleading deadlines for filing cross motions for
21 summary judgment required by the court through stipulation and order. There are no other time
22 modifications.

23 The requested date changes will have no effect on the remaining scheduled deadlines with the
24 court.

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1 IT IS SO STIPULATED AND AGREED.

2 Dated December 17, 2008

SIMS AND LAYTON

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4 By : /s/
5 Phillip M. Sims
6 P. Sophie Mai
Attorneys for Defendants

7 Dated December 17, 2008

WEINBERG, ROGER & ROSENFELD

8 By /s/
9 Linda Baldwin Jones
10 Andrea Laiacona
11 Kristina M. Zinnen

12 **[PROPOSED] ORDER**

13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14 Dated December 19, 2008

BY


15 THE HONORABLE BERNARD ZIMMERMAN
16 United States District Judge
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