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12 Attorneys for Defendant

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
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16	PAUL BENSI, BART FLORENCE, JERRY	) No. CV 08-01757 BZ
17	KALMAR, and LYLE SETTER, in	)
	their capacities as Trustees of the	)
18	STATIONARY ENGINEERS LOCAL 39	) <b>STIPULATION AND [PROPOSED]</b>
	PENSION TRUST FUND; STATIONARY	) <b>ORDER CONTINUING</b>
19	ENGINEERS LOCAL 39 ANNUITY TRUST	) <b>DISPOSITIVE MOTION HEARING</b>
	FUND; and STATIONARY ENGINEERS	) <b>DEADLINE</b>
20	LOCAL 39 HEALTH AND WELFARE	)
	TRUST FUND,	) <b>[L.R. 6-2]</b>
21		)
	Plaintiffs,	)
22		)
	vs.	)
23		)
	AC SERVICE & DESIGN COMPANY, a	)
24	California Corporation,	)
		)
25	Defendant.	)

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1 Plaintiffs Paul Bensi, Bart Florence, Jerry Kalmar, and Lyle Setter were and are Trustees  
2 and together comprise the Board of Trustees of the Plaintiffs Stationary Engineers Local 39  
3 Pension Trust Fund, Stationary Engineers Local 39 Annuity Trust Fund and Stationary Engineers  
4 Local 39 Health & Welfare Fund (“Plaintiffs”), and Defendant AC Service & Design Company  
5 (“Defendant”), through their respective counsel, hereby stipulate to and request that the Court  
6 extend the deadline to Hear Dispositive Motions to May 20, 2009.

7 1. Following the Case Management Conference, the Court issued its Order Scheduling  
8 Court Trial. Pursuant to said Order, the Court set the Last Day to Hear Dispositive Motions for  
9 April 29, 2009, the Pretrial Conference for June 9, 2009 and the first day of Trial for June 29,  
10 2009.

11 2. In order for the Court to hear all Dispositive Motions by April 29, 2009, Plaintiffs  
12 intend on filing a Motion for Summary Adjudication as to liquidated damages and interest on  
13 March 13, 2009. When Plaintiffs’ counsel contacted Honorable Judge Zimmerman’s Clerk for a  
14 hearing date for Plaintiffs’ Motion for Summary Adjudication, she was informed that Honorable  
15 Judge Zimmerman will be holding only criminal calendar during the month of April. The Court’s  
16 Clerk provided Plaintiffs’ counsel with a hearing date of May 20, 2009.

17 3. Given that the Last Day to Hear Dispositive Motions is April 29, 2009 and the  
18 Court will hold only criminal calendar during the month of April, the parties hereby request that  
19 the Court extend the Last Day to Hear Dispositive Motions from April 29, 2009 to May 20, 2009,  
20 or in the alternative, rule on Plaintiffs’ Motion for Summary Adjudication without a hearing.

21 4. The parties have discussed this matter and agree that the requested extension as to  
22 the Last Day to Hear Dispositive Motions will have no adverse effect on the schedule for the  
23 Pretrial Conference and Trial. The parties expect that extending the Last Day to Hear Dispositive  
24 Motions, including Plaintiffs’ Motion for Summary Adjudication, will narrow the issues for trial.

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1 Therefore, Plaintiffs and Defendant, through their respective counsel, stipulate and agree as  
2 follows:

3 1. The Last Day to Hear Dispositive Motions is extended to May 20, 2009.

4 Dated: March 13, 2009

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

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By: /s/ Linda Baldwin Jones  
LINDA BALDWIN JONES  
Attorneys for Plaintiffs

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9 Dated: March 13, 2009

SIMS & LAYTON

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By: /s/ P. Sophie Mai  
PHILLIP SIMS  
P. SOPHIE MAI  
Attorneys for Defendant

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~~PROPOSED~~ ORDER

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PURSUANT TO STIPULATION, IT IS ORDERED.

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he Last Day to Hear Dispositive Motions is extended to May 20, 2009.

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18 Dated: March 16, 2009

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By:   
THE HONORABLE BERNARD ZIMMERMAN  
UNITED STATES DISTRICT JUDGE

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