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14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

16 THE BOARD OF TRUSTEES, in their ) No. CV 08 2535 EDL  
 17 capacities as Trustees of the LABORERS ) (Consolidated with CV 08-02557 EDL)  
 18 HEALTH AND WELFARE TRUST FUND )  
 19 FOR NORTHERN CALIFORNIA; LABORERS )  
 20 VACATION-HOLIDAY TRUST FUND FOR )  
 21 NORTHERN CALIFORNIA; LABORERS )  
 22 PENSION TRUST FUND FOR NORTHERN )  
 23 CALIFORNIA; and LABORERS TRAINING )  
 24 AND RETRAINING TRUST FUND FOR )  
 25 NORTHERN CALIFORNIA, )

**STIPULATION TO CONTINUE  
 PRETRIAL SCHEDULE;  
 [PROPOSED] ORDER**

23 Plaintiffs,

24 v.

25 CLIFFORD GREGORY ESCOBAR,  
 26 Individually, CLIFFORD GREGORY  
 27 ESCOBAR, Individually and doing business as  
 28 ESCOBAR & ESCOBAR CONCRETE  
 CONSTRUCTION; CATHERINE JOY  
 ESCOBAR, Individually, CATHERINE JOY

1 ESCOBAR, Individually and doing business as )  
2 ESCOBAR & ESCOBAR CONCRETE )  
3 CONSTRUCTION; and ESCOBAR & )  
4 ESCOBAR CONCRETE CONSTRUCTION )

No. CV 08-02557 EDL  
(Consolidated with CV 08-02557 EDL)

5 Defendants. )  
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7 )

8 THE BOARD OF TRUSTEES, in their )  
9 capacities as Trustees of the CEMENT )  
10 MASONS HEALTH AND WELFARE TRUST )  
11 FUND FOR NORTHERN CALIFORNIA; )  
12 CEMENT MASONS PENSION TRUST FUND )  
13 FOR NORTHERN CALIFORNIA; CEMENT )  
14 MASONS VACATION/HOLIDAY TRUST )  
15 FUND FOR NORTHERN CALIFORNIA; )  
16 CEMENT MASONS APPRENTICESHIP AND )  
17 TRAINING TRUST FUND FOR NORTHERN )  
18 CALIFORNIA, )

19 Plaintiffs, )  
20 )  
21 )

22 v. )  
23 )

24 CLIFFORD GREGORY ESCOBAR, )  
25 Individually, CLIFFORD GREGORY )  
26 ESCOBAR, Individually and doing business as )  
27 ESCOBAR & ESCOBAR CONCRETE )  
28 CONSTRUCTION; CATHERINE JOY )  
29 ESCOBAR, Individually, CATHERINE JOY )  
30 ESCOBAR, Individually and doing business as )  
31 ESCOBAR & ESCOBAR CONCRETE )  
32 CONSTRUCTION; and ESCOBAR & )  
33 ESCOBAR CONCRETE CONSTRUCTION )

34 Defendants. )  
35 )  
36 )

37 Plaintiffs and Defendants hereby stipulate as follows:

38 The parties through their legal counsel attended a mediation on November 14, 2008, and  
39 within a few weeks after the mediation, the parties agreed orally to settlement terms. The parties  
40 are still in the process of reviewing language for a final settlement agreement.

41 Anticipating settlement and in order to avoid costs, the parties have not engaged in any

1 additional discovery in this matter.

2 The parties therefore stipulate to continue the deadlines set forth in the Court's September  
3 30, 2008, pretrial schedule for at least 30 days. A subsequent case management conference is set  
4 for January 27, 2009, by which time the parties hope that this case will either settle or will be able  
5 to agree upon a new pretrial schedule.

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9 Dated: January 14, 2009

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WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

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By: //s//  
NICOLE M. PHILLIPS  
Attorneys for Plaintiffs

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Dated: January 14, 2009

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NIXON PEABODY LLP

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By: //s//  
JOSHUA M. HENDERSON  
Attorneys for Defendants

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**[PROPOSED] ORDER**

The foregoing Stipulation to Continue Pretrial Schedule for at least 30 days is hereby adopted by the Court. The Court will adopt a revised Pretrial Schedule at the upcoming Case Management Conference, scheduled for January 27, 2009.

~~The Court also orders the following:~~

Dated: January 16, 2009

MAGISTRATE JUDGE ELIZABETH D. LAPORTE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA



IT IS SO ORDERED  
*Elizabeth D. Laporte*  
Judge Elizabeth D. Laporte