

1 BARRY E. HINKLE, Bar No. 071223
 CONCEPCIÓN E. LOZANO-BATISTA, Bar No. 227227
 2 KRISTINA M. ZINNEN, Bar No. 245346
 WEINBERG, ROGER & ROSENFELD
 3 A Professional Corporation
 1001 Marina Village Parkway, Suite 200
 4 Alameda, California 94501-1091
 Telephone (510) 337-1001
 5 Fax (510) 337-1023

6 Attorneys for Plaintiffs

7 G. DANIEL NEWLAND, Bar No. 087965
 ARI HERSHER, Bar No. 260321
 8 SEYFARTH SHAW LLP
 560 Mission Street, Suite 3100
 9 San Francisco, California 94105
 Telephone (415) 397-2823
 10 Fax (415) 397-8549

11 Attorneys for Defendant

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

15	THE BOARD OF TRUSTEES, in their)	Case No.: C-08-03292 EMC
16	capacities as Trustees of the LABORERS)	
17	HEALTH AND WELFARE TRUST FUND)	JOINT STIPULATION AND
18	FOR NORTHERN CALIFORNIA;)	[PROPOSED] ORDER TO EXTEND
19	LABORERS VACATION-HOLIDAY)	ALTERNATIVE DISPUTE
20	TRUST FUND FOR NORTHERN)	RESOLUTION AND CASE
21	CALIFORNIA; LABORERS PENSION)	MANAGEMENT CONFERENCE
22	TRUST FUND FOR NORTHERN)	DEADLINES
23	CALIFORNIA; and LABORERS TRAINING)	
24	AND RETRAINING TRUST FUND FOR)	
25	NORTHERN CALIFORNIA; NORTHERN)	
26	CALIFORNIA DISTRICT COUNCIL OF)	
27	LABORERS for itself and on behalf of)	
28	LABORERS' LOCAL 139)	
	Plaintiffs,)	
	v.)	
	CAL-KIRK LANDSCAPING, INC., A)	
	California Corporation,)	
	Defendant.)	

1 Pursuant to Civil Local Rules 6-2 and 7-12, it is hereby stipulated, by and between
2 Plaintiffs and Defendant (collectively the “Parties”), through their respective undersigned
3 counsel, as follows:

4 WHEREAS, the Parties attended a Case Management Conference on August 12, 2011,
5 before Judge Edward M. Chen;

6 WHEREAS, the Court referred the above-captioned case to a mediator for settlement
7 purposes, and further ordered that a mediation occur within 90 days (i.e. by November 10, 2011);

8 WHEREAS, the Court also scheduled a Case Management Conference for December 16,
9 2011;

10 WHEREAS, on August 31, 2011, the Parties were referred to mediator Katherine S.
11 Richey (“the Mediator”), who noticed a pre-mediation conference for October 4, 2011.

12 WHEREAS, Defendant’s counsel, Seyfarth Shaw LLP, is in the process of withdrawing
13 as counsel and anticipates filing a motion for withdrawal within the next 21 days;

14 WHEREAS, Defendant’s counsel is attempting to help Defendant find substitute counsel,
15 but substitute counsel has not yet been retained;

16 WHEREAS, the Parties and the Mediator met and conferred and agreed to continue the
17 alternative dispute resolution (“ADR”) deadline for 90 days;

18 WHEREAS, the Parties further met and conferred and agreed to continue the Case
19 Management Conference for 90 days;

20 WHEREAS, the Parties believe that an extension of the ADR deadline will provide
21 Defendant needed time to find substitute counsel and will maximize the chances of a negotiated
22 resolution;

23 WHEREAS, the Parties believe that a continuance of the Case Management Conference
24 will better promote judicial economy and will allow the Parties’ sufficient time to complete
25 mediation, prior to the Case Management Conference;

26 WHEREAS, the Parties have not previously requested an extension of the ADR deadline
27 and do not believe this extension will materially alter the schedule for this case;

28

1 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs and
2 Defendant, through their respective undersigned counsel, that:

3 (1) The ADR deadline, currently scheduled for November 10, 2011, shall be continued by
4 90 days to February 8, 2012;

5 (2) The Parties will appear for a mediation before mediator Katherine S. Richey on or
6 before February 8, 2012;

7 (3) The Case Management Conference, currently scheduled for December 16, 2011, shall
8 be continued for 90 days.

9 IT IS SO STIPULATED.

10
11 DATED: October 12, 2011

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

12 By: /S/
13 KRISTINA M. ZINNEN
Attorney for Plaintiffs

14 DATED: October 12, 2011

SEYFARTH SHAW LLP

15 BY: /S/
16 ARI HERSHER
Attorney for Defendant

17
18
19 **~~PROPOSED~~ ORDER CONTINUING ADR AND CMC DEADLINES**

20 Based upon the foregoing Stipulated Request to Continue the ADR deadline, the Court
21 orders the continuance of the ADR deadline for 90 days, until February 8, 2012. The Court
22 further orders that the Case Management Conference, currently set for December 16, 2011, be
23 continued to March 16, 2012 at 9:00 a.m.

24
25 PURSUANT TO STIPULATION, IT IS SO ORDERED

26
27 Dated: 10/13/2011

28 The Hono
United Sta

