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6 Attorneys for Plaintiffs

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 PAUL BENSI, BART FLORENCE, JERRY  
KALMAR, and LYLE SETTER, in their capacities  
11 as Trustees of the PENSION FUND OF  
STATIONARY ENGINEERS LOCAL 39

12 Plaintiffs,

13 v.

14 FHR CORPORATION, a Nevada Corporation,  
15 doing business as RENO HILTON,

16 Defendant.

17 v.

18 GRAND SIERRA RESORT CORP., a Nevada  
Corporation, GRAND SIERRA OPERATING  
19 CORP., a Nevada Corporation, and NAV-RENO-  
GS, LLC, a Nevada Limited Liability Company,

20 Third Party Defendants,

21 v.

22 NAV-RENO-GS, LLC, a Nevada Limited Liability  
23 Company,

24 Cross-Claimant,

25 v.

26 GRAND SIERRA RESORT CORP., a Nevada  
Corporation; DOES 1-10, individuals; and ROE  
27 CORPORATIONS 1-10,

28 Cross-Defendants.

) No. CV-08-3574-VRW  
)  
) **STIPULATION AND ~~PROPOSED~~**  
) **ORDER EXTENDING TIME FOR**  
) **COMPLETING MEDIATION AND**  
) **EXTENDING DEADLINE FOR**  
) **DISPOSITIVE MOTION**

1 Plaintiffs, Paul Bensi, Bart Florence, Jerry Kalmar and Lyle Setter, Defendant/Third Party  
2 Plaintiff FHR Corporation, and Third Party Defendant/Cross-Claimant Nav-Reno-GS, LLC,  
3 through their respective counsel, hereby stipulate to and request that the Court continue certain  
4 deadlines and motion date in order to allow the parties time to complete mediation and explore a  
5 possible resolution of this action without the necessity of further litigation time and expense.

6 1. This is an ERISA case involving claims for withdrawal liability. On December 11,  
7 2008, Plaintiffs, Defendant/Third Party Plaintiff FHR Corporation and Third Party  
8 Defendant/Cross-Claimant Nav-Reno-GS stipulated to participating in mediation.

9 2. Grand Sierra Operating Corporation and Grand Sierra Resort Corporation have not  
10 appeared in this action and default was entered against them on December 15, 2008. Cross-  
11 Defendant Thomas Schrade was dismissed without prejudice on March 4, 2009.

12 3. On March 9, 2009, Plaintiffs Paul Bensi, *et al.*, Defendant/Third Party Plaintiff FHR  
13 Corporation and Third Party Defendant/Cross-Claimant (hereinafter referred to as "Parties") filed a  
14 Stipulation and [Proposed] Order Extending Time for Completing Mediation and Extending  
15 Deadline for Dispositive Motion Hearings due to the logistics in scheduling the mediation by  
16 February 20, 2009, a copy of which is attached hereto as Exhibit A. The Parties agreed to extend  
17 the date to complete mediation to May 1, 2009 and the deadline for hearing dispositive motions to  
18 the last available hearing date in July 2009.

19 4. The Parties were set to engage in mediation with Robert S. Luft, the appointed  
20 Mediator in this case, on April 7, 2009. However, on April 6, 2009, Mediator Robert S. Luft  
21 informed the parties that due to an emergency, the mediation set for April 7, 2009 would have to be  
22 rescheduled.

23 5. The Mediator proposed new mediation dates of April 10, 2009, April 13, 2009 and  
24 April 17, 2009. However, due to the Parties and counsel schedules, the new proposed dates for  
25 mediation are not feasible and as a result, the Parties and Mediator are in the process of  
26 coordinating a new date for the mediation. The Parties agree that it would be in their interest to  
27 engage in mediation prior to hearing any motions in this case and incurring further litigation time

1 and expense.

2 6. In light of the unforeseen circumstances with the April 7, 2009 mediation session,  
3 the Parties agree to extend the deadline, for at least 30 days, for completing mediation and hearing  
4 dispositive motions and continue Defendant's Motion to Dismiss.

5 7. The Parties expect that the requested extension of time will have no adverse effect  
6 on the schedule for the case. No trial date has yet been set.

7 Therefore, Plaintiffs Paul Bensi, *et al*, Defendant/Third Party Plaintiff FHR Corporation,  
8 and Third Party Defendant/Cross-Claimant Nav-Reno, through their respective counsel, stipulate  
9 and agree as follows:

10 1. To extend the deadline for completing mediation to June 1, 2009.

11 2. To extend the deadline for hearing dispositive motions to the last available hearing  
12 date near the end of August, 2009

13 3. To continue Defendant's Motion to Dismiss for at least thirty days to the beginning  
14 of June 2009.

15 Dated: April 7, 2009

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

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

19 Dated: April 7, 2009

LITTLER MENDELSON  
A Professional Corporation

21 By: /s/ Rick D. Roskelley  
RICK D. ROSKELLEY  
22 Attorneys for Defendant and Third Party Plaintiff  
23 FHR Corporation

24 Dated: April 7, 2009

HOLLAND AND HART, LLP

26 By: /s/ Anthony L. Hall  
Anthony L. Hall  
27 Attorneys for Third Party Defendant/Cross-  
28 Claimant NAV-RENO-GS, LLC

~~1~~ ~~[PROPOSED]~~ ORDER

2 PURSUANT TO STIPULATION, IT IS SO ORDERED.

3 The deadline to complete mediation shall be June 1, 2009 and the deadline for hearing  
4 dispositive motions shall be extended to the last available hearing date in August, 2009, which is  
5 Aug 27, 2009. The hearing on Defendant FHR Corporation's Motion to Dismiss Plaintiff's  
6 Complaint Or, Alternatively, to Stay All Proceedings and Compel Arbitration ~~shall be continued~~  
7 ~~from May 7, 2009 to June 11, 2009.~~ and Third Party Defendant Nav-Reno's Motion for Judgment  
8 on the Pleadings shall be continued to July 2, 2009  
9 at 2:30 P.M.

10 Dated: April 9, 2009

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