Bensi et al v. FHR Corporation

Doc. 56

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VEINBERG, ROGER & ROSENFELD
Professional Corporation
1001 Marina Village Parkway
Suite 200
Alameda, CA 94501-1091
510.337.1001

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

- This is an ERISA case involving claims for withdrawal liability. On December 11,
 2008, Plaintiffs, Defendant/Third Party Plaintiff FHR Corporation and Third Party
 Defendant/Cross-Claimant Nav-Reno-GS stipulated to participating in mediation.
- Grand Sierra Operating Corporation and Grand Sierra Resort Corporation have not appeared in this action and default was entered against them on December 15, 2008. Cross-Defendant Thomas Schrade was dismissed without prejudice on March 4, 2009.
- 3. On March 9, 2009, Plaintiffs Paul Bensi, et al., Defendant/Third Party Plaintiff FHR Corporation and Third Party Defendant/Cross-Claimant (hereinafter referred to as "Parties") filed a Stipulation and [Proposed] Order Extending Time for Completing Mediation and Extending Deadline for Dispositive Motion Hearings due to the logistics in scheduling the mediation by February 20, 2009, a copy of which is attached hereto as Exhibit A. The Parties agreed to extend the date to complete mediation to May 1, 2009 and the deadline for hearing dispositive motions to the last available hearing date in July 2009.
- 4. The Parties were set to engage in mediation with Robert S. Luft, the appointed Mediator in this case, on April 7, 2009. However, on April 6, 2009, Mediator Robert S. Luft informed the parties that due to an emergency, the mediation set for April 7, 2009 would have to be rescheduled.
- 5. The Mediator proposed new mediation dates of April 10[,] 2009, April 13, 2009 and April 17, 2009. However, due to the Parties and counsel schedules, the new proposed dates for mediation are not feasible and as a result, the Parties and Mediator are in the process of coordinating a new date for the mediation. The Parties agree that it would be in their interest to 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 unfo	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	dispostive motions and continue Defendant's Motion to Dismiss.		
5	7. The Parties expect	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 dead	dline for completing mediation to June 1, 2009.	
11	2. To extend the dead	dline for hearing dispositive motions to the last available hearing	
12	date near the end of August, 2009		
13	3. To continue Defer	ndant'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	
16		A Professional Corporation	
17		By: /s/ Linda Baldwin Jones LINDA BALDWIN JONES	
18		Attorneys for Plaintiffs	
19	Dated: April 7, 2009	LITTLER MENDELSON	
20	Buted: Tipin 7, 2007	A Professional Corporation	
21		By: /s/ Rick D. Roskelley	
22		RICK D. ROSKELLEY Attorneys for Defendant and Third Party Plaintiff	
23		FHR Corporation	
24	Dated: April 7, 2009	HOLLAND AND HART, LLP	
25	, , , , , , , , , , , , , , , , , , ,		
26		By: /s/ Anthony L. Hall Anthony L. Hall	
27		Attorneys for Third Party Defendant/Cross- Claimant NAV-RENO-GS, LLC	
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WEINBERG, ROGER & ROSENFELD
A Professional Corporation 1001 Marina Village Parkway Suite 200
Alameda, CA 94501-1091 510.337.1001

-[PROPOSED] ORDER

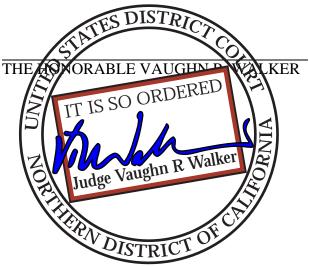
PURSUANT TO STIPULATION, IT IS SO ORDERED.

The deadline to complete mediation shall be June 1, 2009 and the deadline for hearing dispositive motions shall be extended to the last available hearing date in August, 2009, which is Aug 27, 2009. The hearing on Defendant FHR Corporation's Motion to Dismiss Plaintiff's Complaint Or, Alternatively, to Stay All Proceedings and Compel Arbitration shall be continued.

and Third Party Defendant Nav-Reno's Motion for Judgment on the Pleadings shall be continued to July 2, 2009 at 2:30 P.M.

Dated: ____April 9, 2009

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