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 8 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 (SAN FRANCISCO DIVISION)
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10 SERVICE EMPLOYEES INTERNATIONAL
 UNION NATIONAL INDUSTRY PENSION
 11 FUND, ANDREW STERN, Trustee, MIKE
 GARCIA, Trustee, ROD BASHIR, Trustee,
 12 CHARLES RIDGELL, Trustee, SHARLEEN
 STEWART, Trustee, JAMES BERG, Trustee,
 13 EDWARD J. MANKO, Trustee, JOHN J.
 SHERIDAN, Trustee, LARRY T. SMITH,
 14 Trustee, FRANK A MAXSON, Trustee,

CASE NO.: C 08-04278 SI

**JOINT STIPULATED REQUEST AND
 [PROPOSED] ORDER CONTINUING
 CASE MANAGEMENT CONFERENCE**

15 Plaintiffs,

16 vs.

17 PROTEAN HEALTH SERVICES, INC., doing
 business as CLINTON VILLAGE
 18 CONVALESCENT HOSPITAL, a California
 corporation, and LBT HORIZON LLC, a
 19 California limited liability company,

20 Defendants.

21 Plaintiffs, the Service Employees International Union National Industry Pension Fund and
 22 its Board of Trustees ("Plaintiffs") and Defendant LBT Horizon LLC ("Defendant LBT"), jointly
 23 through their respective counsel, hereby stipulate to and request that the Court order that the Case
 24 Management Conference be continued for a period of 60 days.

25 1) The Initial Case Management Conference was held on February 13, 2009 before
 26 the Honorable Susan Illston.
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1 2) During the Initial Case Management Conference, counsel for the parties jointly
2 informed the Court that they were attempting to resolve the amount in dispute and may possibly
3 enter into a stipulated judgment as to LBT. The case was referred to the Court ADR program and
4 Mediator Catherine A. Yanni was appointed to the matter. The parties were also ordered to
5 complete a mediation session before May 5, 2009.

6 3) During the Initial Case Management Conference, Counsel for Defendant LBT
7 agreed to provide Plaintiffs with information within 15 days. However, after meeting in person
8 with Defendants, the information was not available and Defendants are attempting to obtain and
9 provide information.

10 4) The Court set the subsequent Case Management Conference for March 27, 2009 at
11 3:00 p.m.

12 5) On March 10, 2009, the parties participated in a preliminary telephone conference
13 with Mediator Catherine A. Yanni. During that telephone call, counsel for the parties agreed to
14 attend a mediation session on April 2, 2009. However, Defendants are unavailable on that date.
15 Accordingly, the parties have been working with the mediator's office to find a mutually agreeable
16 date before May 5, 2009.

17 6) The parties anticipate that a short extension of case management deadline will
18 enable the parties to focus their efforts on resolving this matter.

19 7) There have been no previous time modifications related to the Case Management
20 Conference or related case management activities in this case.

21 8) The parties expect that the requested extension of the date for the Case
22 Management Conference will have no adverse effect on the schedule for the case. No trial date or
23 other deadlines have yet been set. The parties anticipate that the requested extension will facilitate
24 the resolution of the parties' dispute and avoid unnecessary time and expense. Therefore,
25 Plaintiffs and Defendant LBT, through their respective counsel, jointly stipulate and agree as
26 follows:

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- 1. The Case Management Conference date of March 27, 2009 is vacated.
- 2. The Case Management Conference date is extended to May 29, 2009 at 3:00 p.m. or _____, 2009 at 3:00 p.m.

Date: March 17, 2009

SALTZMAN & JOHNSON LAW CORPORATION

By: _____ /S/
Kristen McCulloch
Attorneys for Plaintiffs

Date: March 17, 2009

DAVID M. STERNBERG & ASSOCIATES

By: _____ /S/
David M Sternberg,
Attorneys for Defendant
LBT HORIZONS LLC

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ORDER

PURSUANT TO STIPULATION:

1. The Case Management Conference date of March 27, 2009 is vacated.
2. The Case Management Conference date is extended to May 29, 2009 at 3:00 p.m.

or _____, 2009 at 3:00 p.m.

IT IS SO ORDERED.

Dated: _____



SUSAN ILLSTON,
UNITED STATES DISTRICT COURT JUDGE

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PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On March 17, 2009, I served the following documents on the parties to this action, addressed as follows, in the manner described below:

JOINT STIPULATED REQUEST AND [PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE

XX MAIL, being familiar with the practice of this office for the collection and the processing of correspondence for mailing with the United States Postal Service, and deposited in the United States Mail copies of the same to the business addresses set forth below, in a sealed envelope fully prepared.

Addressed to:

Robert B. Jacobs
Agent for Service of Process
Protean Health Services, Inc.
dba Clinton Village Convalescent Hospital
4900 Hopyard Road, Suite 280
Pleasanton, CA 94588

David M. Sternberg
Eric I. Samuels
Attorneys for LBT HORIZON LLC
David M. Sternberg & Associates
540 Lennon Lane
Walnut Creek, CA 94598

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 17th day of March 2009, at San Francisco, California.

/S/
Julie Jellen