

1 NANCY L. OBER, Bar No. 49683  
LITTLER MENDELSON  
2 A Professional Corporation  
650 California Street, 20th Floor  
3 San Francisco, CA 94108.2693  
Telephone: 415.433.1940  
4 Facsimile: 415.399.8490  
Email: nlober@littler.com

5 Attorneys for Defendants  
6 WASTE MANAGEMENT OF ALAMEDA, INC.  
and RECYCLE AMERICA ALLIANCE, LLC

7 KRISTEN MCCULLOCH, Bar No. 177558  
8 SALTZMAN & JOHNSON LAW CORP.  
44 Montgomery Street, Suite 2110  
9 San Francisco, CA 94104  
Telephone: (415) 882-7900  
10 Facsimile: (415) 882-9287  
Email: kmcculloch@sjlawcorp.com

11 Attorneys for Plaintiffs  
12 ILWU WAREHOUSEMEN'S WELFARE TRUST;  
AND PETER COOK and JACK WYATT, as  
13 Trustees

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION  
17

18 ILWU WAREHOUSEMEN'S WELFARE  
TRUST; AND PETER COOK AND JACK  
19 WYATT, as Trustees,

20 Plaintiffs,

21 v.

22 WASTE MANAGEMENT OF  
ALAMEDA, INC., a California  
23 corporation, and RECYCLE AMERICA  
ALLIANCE, LLC, a Delaware limited  
24 liability company and doing business in  
California,

25 Defendants.  
26

Case No. C08-4849 CRB

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

[L.R. 6-2]

1 Plaintiffs ILWU WAREHOUSEMEN'S WELFARE TRUST; AND PETER COOK  
2 and JACK WYATT, as Trustees ("Plaintiffs") and Defendants WASTE MANAGEMENT OF  
3 ALAMEDA, INC. and RECYCLE AMERICA ALLIANCE, LLC ("Defendants"), jointly through  
4 their respective counsel, hereby stipulate to and request that the Court order that the Initial Case  
5 Management Conference and related deadlines be continued for a period of 90 days.

6 1. Pursuant to the Court's Order Setting Initial Case Management Conference  
7 and ADR Deadlines, the Initial Case Management Conference in this action is set for February 6,  
8 2009 at 8:30 a.m.. Other case management deadlines, including the filing of the ADR Certification,  
9 completion of initial disclosures, and filing of the Case Management Statement, are set in relation to  
10 the Case Management Conference.

11 2. By their Complaint in this action, Plaintiffs seek payment of delinquent health  
12 and welfare contributions, interest and liquidated damages, based upon a January 2007 audit report,  
13 and an order requiring a further audit. Defendants have tendered the amounts found due in the audit  
14 report and agreed to a further audit. The remaining issues between the parties are limited, and the  
15 parties wish to explore a settlement without the necessity of further litigation time and expense. The  
16 parties anticipate that a short extension of case management deadlines will enable them to focus their  
17 efforts on resolving this matter.

18 3. Other than the resetting of the date of the initial Case Management  
19 Conference in connection with the reassignment of this action to the Court, there have been no  
20 previous time modifications related to the Initial Case Management Conference or related case  
21 management activities in this case.

22 4. The parties expect that the requested extension of the date for the Initial Case  
23 Management Conference will have no adverse effect on the schedule for the case. No trial date or  
24 other deadlines have yet been set. The parties anticipate that the requested extension will facilitate  
25 the resolution of the parties' dispute and avoid unnecessary time and expense.

26 Therefore, Plaintiffs and Defendants, through their respective counsel, jointly  
27 stipulate and agree as follows:

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1. The Initial Case Management Conference date of February 6, 2009 and related deadlines are vacated.

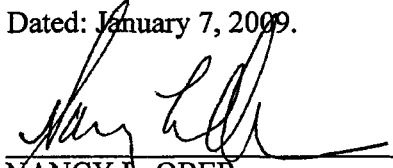
2. The Initial Case Management Conference date is extended to May 8, 2009 or \_\_\_\_\_, 2009 at 8:30 a.m.

3. Related deadlines for ADR and case management activities are extended accordingly, as provided in the Court's Order Setting Initial Case Management Conference and ADR Deadlines.

Dated: January 7, 2009.

Dated: January 7, 2009.

131



KRISTEN MCCULLOCH  
SALTZMAN & JOHNSON LAW CORP.  
A Professional Corporation  
Attorneys for Plaintiffs  
ILWU WAREHOUSEMAN'S' WELFARE  
TRUST AND PETER COOK AND JACK  
WYATT, AS TRUSTEES

NANCY I. OBER  
LITTLER MENDELSON  
A Professional Corporation  
Attorneys for Defendants  
WASTE MANAGEMENT OF ALAMEDA,  
INC. AND RECYCLE AMERICA  
ALLIANCE, LLC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 8, 2009

Firmwide:88026309.1 046609.1573

