DIEMER, WHITMAN & CARDOSI, LLP JUDITH L. WHITMAN, #103385 75 East Santa Clara Street, Suite 290 San Jose, California 95113 3 Telephone: (408) 971-6270 Facsimile: (408) 971-6271 4 ATTORNEYS FOR Defendants. Vassallo Tile, Marble & Granite Corp. Antonio Vassallo and Giovanni Vassallo 6 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA San Francisco Division 10 11 BRICKLAYERS AND ALLIED Case No. CV 09-0371 VRW CRAFTWORKERS LOCAL UNION 12 NO. 3, AFL-CIO; et al, STIPULATION TO EXCUSE BONDING COMPANY FROM 13 Plaintiffs, ATTENDING MEDIATION: < PROPOSED ORDER 14 VASSALLO TILE, MARBLE & Date: June 19, 2009 15 GRANITE CORP., et al., Time: 10:00 A.M. Mediator: Arthur R. Siegel, Esa. 16 Defendants. 17 18 Plaintiffs, Bricklayers and Allied Craftworkers Local Union No. 3, AFL-CIO; Trustees of the Northern California Tile Industry Pension Trust; Trustees of the Northern California Tile 19 Industry Health and Welfare Trust Fund; Trustees of the Northern California Tile Industry 20 Apprenticeship and Training Trust Fund; Tile Industry Promotion Fund of Northern California, 21 22 Inc., a not-for-profit California corporation; Tile Employers Contract Administration Fund; Trustees of the International Union of Bricklayers and Allied Craftworkers Pension Fund; 23 Defendants, Vassallo Tile, Marble & Granite Corp., a California corporation, Antonio Vassallo 24 and Giovanni Vassallo, and Defendant American Contractor Indemnity Company, a California 25 corporation hereby stipulate to and respectfully request that Defendant American Contractor 26 Indemnity Company be excused from attending the mediation in this matter. American .27 Contractor Indemnity Company, as the bonding company, plays a minor role in this matter and 28 STIPULATION TO EXCUSE BONDING COMPANY FROM ATTENDING MEDIATION: PROPOSED ORDER

LANAK & HANNA P.C. Fax:714-550-0734 May 19 2009 15:10

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1	its participation in the mediation will cause unnecessary expense without providing any				
2	significant benefit in resolving the dispute. Accordingly, it would be beneficial for all parties if				
3	American Contractor Indemnity Company is excused from attending the mediation.				
4	IT IS SO STIPULATED:				
5	Dated: May 19, 2009 KATZENBACH AND KHTIKIAN				
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7	By: 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1				
8	Attorneys for Plaintiffs				
9	Dated: May 19, 2009 DIENER, WHITMAN & CARDOSI, LLP				
10	At the last				
11	By: John White				
12	Attorneys for Vassallo Tile, Antonio Vassallo and Giovanni Vassallo				
13	Dated: May 19, 2009  LANAK & HANNA, P.C.				
14	LAGAR & HANNA, F.C.				
15	Ву:				
16	Robert Stroj  Attorneys for American Contractors Indemnity				
17	Adomeys for American Contractors indemnity				
18	PROPOSED ORDER				
19	Good cause appearing, it is so ORDERED that American Contractor Indemnity				
20	Company is excused from attending the mediation in this matter.				
21	to the first that the state of				
22	Dated: Max / P. 2009				
23	The Monorable Wayne Brazil				
24	The Monorable Wayne Brazil UNITED STATES DISTRICT COURT MAGISTRATE JUDGE				
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