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5 ATTORNEYS FOR Defendants,
 Vassallo Tile, Marble & Granite Corp.,
 Antonio Vassallo and Giovanni Vassallo
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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 San Francisco Division
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11 BRICKLAYERS AND ALLIED
 CRAFTWORKERS LOCAL UNION
 12 NO. 3, AFL-CIO; et al,
 13 Plaintiffs,
 14 vs.
 15 VASSALLO TILE, MARBLE &
 GRANITE CORP., et al.,
 16 Defendants.
 17

Case No. CV 09-0371 VRW
**STIPULATION TO EXCUSE
 BONDING COMPANY FROM
 ATTENDING MEDIATION;
 PROPOSED ORDER**
 Date: June 19, 2009
 Time: 10:00 A.M.
 Mediator: Arthur R. Siegel, Esq.

18 Plaintiffs, Bricklayers and Allied Craftworkers Local Union No. 3, AFL-CIO; Trustees of
 19 the Northern California Tile Industry Pension Trust; Trustees of the Northern California Tile
 20 Industry Health and Welfare Trust Fund; Trustees of the Northern California Tile Industry
 21 Apprenticeship and Training Trust Fund; Tile Industry Promotion Fund of Northern California,
 22 Inc., a not-for-profit California corporation; Tile Employers Contract Administration Fund;
 23 Trustees of the International Union of Bricklayers and Allied Craftworkers Pension Fund;
 24 Defendants, Vassallo Tile, Marble & Granite Corp., a California corporation, Antonio Vassallo
 25 and Giovanni Vassallo, and Defendant American Contractor Indemnity Company, a California
 26 corporation hereby stipulate to and respectfully request that Defendant American Contractor
 27 Indemnity Company be excused from attending the mediation in this matter. American
 28 Contractor Indemnity Company, as the bonding company, plays a minor role in this matter and

STIPULATION TO EXCUSE BONDING COMPANY FROM ATTENDING MEDIATION: PROPOSED ORDER

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

6
7 By:

Kimberly A. Hancock
Attorneys for Plaintiffs

8
9 Dated: May 19, 2009

DIEMER, WHITMAN & CARDOSI, LLP

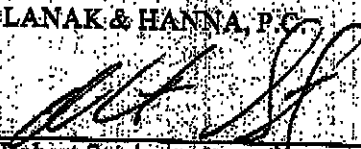
10
11 By:

Judith L. Whitman
Attorneys for Vassallo Tile, Antonio Vassallo
and Giovanni Vassallo

12
13 Dated: May 19, 2009

LANAK & HANNA, P.C.

14
15
16 By:


Robert Stroj
Attorneys for American Contractors Indemnity

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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
22 Dated: May __, 2009

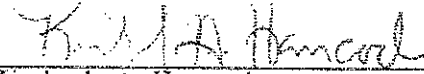
23 The Honorable Wayne Brazil
24 UNITED STATES DISTRICT COURT
25 MAGISTRATE JUDGE
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8 Kimberly A. Hancock
Attorneys for Plaintiffs

9 Dated: May 19, 2009

DIENER, WHITMAN & CARDOSI, LLP

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12 Judith L. Whitman
Attorneys for Vassallo Tile, Antonio Vassallo
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13 Dated: May 19, 2009

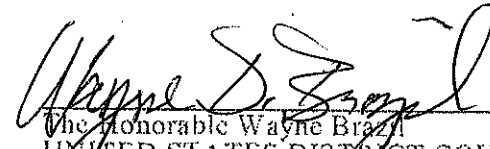
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17 Attorneys for American Contractors Indemnity

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22 June
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The Honorable Wayne Brazz
UNITED STATES DISTRICT COURT
MAGISTRATE JUDGE