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5 Attorneys for Defendants  
 WES-CO INDUSTRIES, FABPRO,  
 6 WIN INDUSTRIES, ZIVORAD ZIVANOVIC,  
 ZIVANOVIC FAMILY TRUST, Z-SQUARE  
 7 PROPERTIES CO., APPLIED ADVANCED  
 ENGINEERING COMPANY  
 8

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11

12 \_\_\_\_\_ )  
 BOARD OF TRUSTEES, SHEET METAL )  
 13 WORKERS PENSION TRUST OF )  
 NORTHERN CALIFORNIA, BRUCE )  
 14 WORD TRUSTEE, )

Case No. C 09 0847 BZ

15 Plaintiff, )

16 vs. )

17 WES-CO INDUSTRIES, a California )  
 corporation; FABPRO, a California )  
 18 corporation; WIN INDUSTRIES, a )  
 California corporation; ZIVORAD )  
 19 ZIVANOVIC individually and as trustee of )  
 the ZIVANOVIC FAMILY TRUST, )  
 20 partners; and Z-SQUARE PROPERTIES )  
 COMPANY, a partnership; and APPLIED )  
 21 ADVANCED ENGINEERING COMPANY, )  
 a partnership, )

**STIPULATION TO EXTEND  
 MEDIATION DEADLINE;  
 ORDER**

22 Defendants. )  
 23 \_\_\_\_\_ )

24 Counsel for Defendants has represented to counsel for Plaintiffs and the ADR  
 25 Administrator that he has been in contact with attorneys in Washington, D.C., who represent the  
 26 National Pension Fund ("NPF") in a lawsuit claiming withdrawal liability from the Defendants  
 27 in this case, based upon the same collective bargaining agreement which gave rise to the  
 28 withdrawal liabilities sought to be collected in this lawsuit. The NPF lawsuit is now pending in

1 the Eastern District of Virginia ("EDVA"). Defendants made a motion to transfer that case to  
2 this Court, but said motion was denied. Discovery has not yet commenced in the EDVA  
3 lawsuit.

4 Counsel for Defendants has spoken to counsel for the NPF in the EDVA lawsuit and has  
5 been requested to furnish voluntary discovery in the hope that the NPF, after reviewing relevant  
6 documents, will decide to participate in the mediation in this case. It appears that the available  
7 assets will not be sufficient to satisfy the withdrawal liability claims of either or both of the trust  
8 funds which are seeking to collect that liability through litigation against these Defendants.

9 Counsel for the Plaintiff in this case concurs in Defendants' counsel's opinion that the  
10 likelihood of settlement through mediation will be enhanced if the mediation in this case is  
11 postponed for a reasonable period of time in order to permit counsel for the NPF in the EDVA  
12 lawsuit to analyze the evidence and make a decision as to whether the NPF wishes to  
13 participate, formally or informally, in the mediation in this case.

14 For the foregoing reasons, the parties wish to stipulate to postpone the mediation now  
15 scheduled on December 17, 2009, to January 26, 2010, at 11 a.m.

16 IT IS HEREBY STIPULATED to extend the time for mediation to January 26, 2010,  
17 with all other dates set by the Court to remain in place.

18 DATED: December 9, 2009

CARTER CARTER FRIES & GRUSNCHLAG

19  
20 By: /s/James A. Carter  
James A. Carter  
Attorneys for Defendants


21  
22 DATED: December 9, 2009

ERSKINE & TULLEY

23  
24 By: /s/Michael J. Carroll  
Michael J. Carroll  
Attorneys for Plaintiff

25  
26 IT IS SO ORDERED:

27 Dated: December 10, 2009

28   
The Honorable Bernard Zimmerman, Judge