

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

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

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DATED: December 9, 2009

ERSKINE & TULLEY

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By: /s/Michael J. Carroll
25 Michael J. Carroll
Attorneys for Plaintiff

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IT IS SO ORDERED:

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Dated: December 10, 2009



28 The Honorable Bernard Zimmerman, Judge