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6 Attorneys for Plaintiffs

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8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 DISTRICT COUNCIL 16 NORTHERN  
CALIFORNIA HEALTH AND WELFARE  
11 TRUST FUND, its JOINT BOARD OF  
TRUSTEES, and DOUG CHRISTOPHER as  
12 Trustee; et.al.

13 Plaintiffs,

14 v.

15 M B FLOORING, INC., a California  
Corporation,

16 Defendant.  
17

Case No.: C09-2241 SI

**JOINT REQUEST TO EXTEND  
MEDIATION DEADLINE AND  
CONTINUE CASE MANAGEMENT  
CONFERENCE**

Date: March 26, 2010

Time: 2:30 p.m.

Location: Ctrm. 10, 19<sup>th</sup> Floor

Judge: The Honorable Susan Illston

18  
19 The parties to the above-entitled action jointly request that the deadline for mediation be  
20 extended and the Case Management Conference be continued for the following reasons:

21 1. **Mediation:** This matter concerns an audit of Defendant's records, with an  
22 audit end date of October 31, 2008. The parties had exchanged documents and mediation  
23 statements, and a mediation was scheduled for March 16, 2010. The day prior to the mediation,  
24 Plaintiffs' counsel was advised that the Defendant had recently been audited a second time, for the  
25 period subsequent to the audit that was to be addressed at the mediation. Counsel for both parties  
26 conferred and found that neither one of them had been advised of the second audit.  
27  
28

1 Plaintiffs' auditors are in the process of completing the audit report for the second audit, so a total  
2 has not been prepared. It is estimated to be significant.

3 Counsel for both parties agreed that a "global" resolution is preferred by both parties, and  
4 therefore contacted the mediator to take the mediation off calendar. The mediator agreed and  
5 asked that the parties contact him to set a new mediation date. Both parties agree that at least 90  
6 days will be needed to get the draft audit report, review it, discuss the results and exchange  
7 documents, and prepare updated mediation statements. The parties intend to set a new mediation  
8 date for approximately 120 days out, and therefore request that the mediation deadline be extended  
9 accordingly.  
10

11 2. **Case Management Conference:** There is a Case Management Conference  
12 currently set for March 26, 2010. Based on the foregoing, there are no issues to discuss pending  
13 mediation. The parties therefore jointly request that the date be continued to 30 days after the new  
14 mediation deadline.  
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16 Dated: March 18, 2010

SALTZMAN & JOHNSON LAW CORPORATION

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18 \_\_\_\_\_/S/\_\_\_\_\_  
Michele R. Stafford  
19 Attorneys for Plaintiffs

20 Dated: March 18, 2010

RANDICK O'DEA AND TOOLIATOS

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22 \_\_\_\_\_/S/\_\_\_\_\_  
Brian M. O'Dea  
23 Attorneys for Defendant

24 **ORDER**

25 Good cause appearing, the mediation deadline is extended to 7/16/10, 2010.  
26 The Case Management Conference currently set for March 26, 2010 is continued to  
8/13/10 at 2:30 p.m., 2010.

27 IT IS SO ORDERED.  
28 Date:

  
\_\_\_\_\_  
THE HONORABLE SUSAN ILLSTON