

1 ROBERT J. WILGER, Bar No. 168402  
NATHALIE A. LE NGOC, Bar No. 254376  
2 LITTLER MENDELSON  
A Professional Corporation  
3 50 West San Fernando Street, 15th Floor  
San Jose, CA 95113.2303  
4 Telephone: 408.998.4150

5 Attorneys for Defendants  
SUMMIT MECHANICAL SYSTEMS, INC.,  
6 CORINNE KATHLEEN WHITE, LONNY  
MICHAEL WHITE; SMS INDUSTRIAL, INC.  
7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 BOARD OF TRUSTEES OF THE PIPE  
TRADES DISTRICT COUNCIL NO. 36  
12 HEALTH AND WELFARE TRUST  
FUND; BOARD OF TRUSTEES OF THE  
13 PIPE TRADES DISTRICT COUNCIL  
NO. 36 PENSION TRUST FUND;  
14 BOARD OF TRUSTEES OF THE PIPE  
TRADES DISTRICT COUNCIL NO. 36  
15 APPRENTICE TRAINING TRUST  
FUND; BOARD OF TRUSTEES OF THE  
16 CENTRAL CALIFORNIA PIPE TRADES  
INDUSTRY LABOR-MANAGEMENT  
17 COOPERATION COMMITTEE TRUST  
FUND;

18 Plaintiffs,

19 v.

20 SUMMIT MECHANICAL SYSTEMS,  
21 INC., a California corporation; CORINNE  
KATHLEEN WHITE, an individual;  
22 LONNY MICHAEL WHITE, an  
individual; SMS INDUSTRIAL, INC.  
23 a.k.a. S M S INDUSTRIAL, INC., a  
California corporation;  
24 and DOES 1 through 50, inclusive;

25 Defendants.  
26  
27  
28

Case No. CV09-04408-JSW

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE DEFENDANTS'  
DEADLINE TO FILE ANSWER AND  
OTHER ASSOCIATED DEADLINES**


**STIPULATION**

1  
2 Plaintiffs BOARD OF TRUSTEES OF THE PIPE TRADES DISTRICT  
3 COUNCIL NO. 36 HEALTH AND WELFARE TRUST FUND; BOARD OF TRUSTEES OF  
4 THE PIPE TRADES DISTRICT COUNCIL NO. 36 PENSION TRUST FUND; BOARD OF  
5 TRUSTEES OF THE PIPE TRADES DISTRICT COUNCIL NO. 36 APPRENTICE TRAINING  
6 TRUST FUND; and BOARD OF TRUSTEES OF THE CENTRAL CALIFORNIA PIPE  
7 TRADES INDUSTRY LABOR-MANAGEMENT COOPERATION COMMITTEE TRUST  
8 FUND, and Defendants SUMMIT MECHANICAL SYSTEMS, INC., CORINNE KATHLEEN  
9 WHITE, LONNY MICHAEL WHITE, SMS INDUSTRIAL, INC. (hereinafter collectively “the  
10 parties”), by and through their attorneys of record, hereby stipulate and agree as follows:

- 11 1. The parties jointly agree to extend the deadline for Defendants to file their answer  
12 by thirty (30) days to **March 7, 2010**.
- 13 2. The last day for the parties to meet and confer re: initial disclosures, early  
14 settlement, the ADR process selection and a discovery plan; to file ADR  
15 certification signed by the parties and their respective counsel; and file either a  
16 Stipulation to ADR Process or Notice of Need for ADR Phone Conference shall be  
17 **May 3, 2010**.
- 18 3. The last day for the parties to file a Rule 26(f) Report, complete initial disclosures  
19 or state objections in a Rule 26(f) Report and to file a Case Management Statement  
20 per the Standing Order re: Contents of Joint Case Management Statement shall be  
21 **May 15, 2010**.
- 22 4. The initial case management conference shall be held on **May 22, 2010**, in  
23 Courtroom E, 15th Floor at 10:00 a.m.
- 24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: February 5, 2010

  
MICHAEL E. MOSS  
HENRY Y. CHIU  
KIMBLE, MacMICHAEL & UPTON  
A Professional Corporation  
Attorneys for Plaintiffs  
BOARD OF TRUSTEES OF THE PIPE  
TRADES DISTRICT COUNCIL NO. 36  
HEALTH AND WELFARE TRUST FUND;  
BOARD OF TRUSTEES OF THE PIPE  
TRADES DISTRICT COUNCIL NO. 36  
PENSION TRUST FUND; BOARD OF  
TRUSTEES OF THE PIPE TRADES  
DISTRICT COUNCIL NO. 36 APPRENTICE  
TRAINING TRUST FUND; and BOARD OF  
TRUSTEES OF THE CENTRAL  
CALIFORNIA PIPE TRADES INDUSTRY  
LABOR-MANAGEMENT COOPERATION  
COMMITTEE TRUST FUND

Dated: February 5, 2010

/s/  
NATHALIE A. LE NGOC  
LITTLER MENDELSON  
A Professional Corporation  
Attorneys for Defendants  
SUMMIT MECHANICAL SYSTEMS, INC.,  
CORINNE KATHLEEN WHITE, LONNY  
MICHAEL WHITE; SMS INDUSTRIAL,  
INC.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

Having considered the parties' Stipulation, this Court hereby ORDERS as follows:

1. The deadline for Defendants to file their answer will be extended by thirty (30) days to **March 7, 2010**.
2. The last day for the parties to meet and confer re: initial disclosures, early settlement, the ADR process selection and a discovery plan; to file ADR certification signed by the parties and their respective counsel; and file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference shall be **May 3, 2010**.
3. The last day for the parties to file a Rule 26(f) Report, complete initial disclosures or state objections in a Rule 26(f) Report and to file a Case Management Statement per the Standing Order re: Contents of Joint Case Management Statement shall be **May 15, 2010**.
4. The initial case management conference shall be held on ~~May 22, 2010, in Courtroom E, 15th Floor at 10:00 a.m.~~ June 4, 2010 at 1:30 p.m.

For future requests and stipulations, the parties are admonished to select dates that comport with the undersigned's calendar and to reflect that this case has been reassigned.

IT IS SO ORDERED.

Dated: February 9, 2010

  
 \_\_\_\_\_  
 HON. JEFFERY S. WHITE  
 U.S. DISTRICT COURT JUDGE