

MURRAY M. HELM, JR., SBN 90426

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Attorney for defendant Lombardo Construction, Inc.,
dba Lombardo Lath Plaster & Drywall

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BAY AREA PAINTERS AND TAPERS
PENSION TRUST FUND, et al.,

Plaintiff,

v.

LOMBARDO CONSTRUCTION, INC.,
dba LOMBARDO LATH PLASTER &
DRYWALL, a California corporation,

Defendant.

Civil Action No. CV 10 0926 RS

**STIPULATION AND [PROPOSED]
ORDER TO SET ASIDE DEFAULT
AND FOR EXTENSION OF TIME TO
RESPOND TO COMPLAINT**

AND RELATED ACTIONS

Plaintiffs Bay Area Painters and Tapers Pension Trust Fund, and its Joint Board of Trustees; Les Proteau and Charles Del Monte, Trustees; District Council 16 Northern California Health and Welfare Trust Fund, and its Joint Board of Trustees; Doug Christopher and John Maggiore, Trustees; District Council 16 Northern California Apprentice and Journeyman Training Trust Fund, and its Joint Board of Trustees; Doug Christopher and Marian Bourboulis, Trustees; I.U.P.A.T. Union and Industry National Pension Fund; Its Joint

STIPULATION AND ORDER TO SET ASIDE DEFAULT AND
FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT

1 Board of Trustees; and James Williams as Trustee; and District Council 16 of the International
2 Union of Painters and Allied Trades ("Plaintiffs"), by and through their attorney of record
3 Michele R. Stafford of Saltzman & Johnson Law Corporation, and defendant Lombardo
4 Construction, Inc., dba Lombardo Lath Plaster & Drywall ("Defendant"), by and through its
5 attorney of record Murray M. Helm, Jr. of the Law Offices of Murray M. Helm, Jr., stipulate,
6 as follows:

7 1. The Request for Entry of Default on Defendant served May 4, 2010, and any
8 Order for Entry of Default of Defendant, is set-aside.

9 2. Responsive pleadings of Defendant would normally be due May 17, 2010.
10 Pursuant to Civil Local Rule 6-1 for the United States District Court, Northern District of
11 California, the parties hereby stipulate to extend the date for filing and service of responsive
12 pleadings to the complaint by Defendant to June 7, 2010.

13 3. Good cause exists for an extension of time because the parties are endeavoring
14 in good faith to negotiate a settlement so the complaint may be dismissed. An extension of 21
15 days in which to file responsive pleadings is necessary to allow time for negotiations and
16 funding.

17 **IT IS SO STIPULATED.**

18 DATED: May 10, 2010

SALTZMAN & JOHNSON LAW CORPORATION

19 By: 

20 Michele R. Stafford
Attorney for Plaintiffs

21 DATED: May 7, 2010

LAW OFFICES OF MURRAY M. HELM, JR.

22 By: 

23 MURRAY M. HELM, JR.
24 Attorney for Defendant

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 DATED: May 10, 2010

By: 

27 Richard Seeborg
United States District Judge

28 120-014/PL001