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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BOARD OF TRUSTEES OF THE WESTERN)
INDEPENDENT SHOPS PENSION TRUST,)

Plaintiff,
vs.

WESTERN METAL DECORATING CO. COIL)
DIVISION; WESTERN METAL)
DECORATING CO. CUCAMONGA)
DIVISION,)

Defendants.)

Case No. CV10-02003 EDL

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE;
ORDER AS MODIFIED**

Action Filed: May 10, 2010

Plaintiff Board of Trustees of the Western Independent Shops Pension Trust (“Plaintiff”) and Defendants Western Metal Decorating Co. Coil Division and Western Metal Decorating Co. Cucamonga Division (“Defendants”) (collectively, the “Parties”), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, Plaintiff filed a Request for Entry of Default on July 28, 2010;

WHEREAS, Defendants filed a Motion to Set Aside Default on August 2, 2010, which was noticed to be heard on September 21, 2010;

WHEREAS, the Clerk entered default on August 2, 2010;

WHEREAS, the Court’s Case Management Order sets forth a number of scheduling and case management deadlines, as follows: (1) parties to conduct Rule 26(f) conference and exchange

1 Initial Disclosures on August 10, 2010; (2) Joint CMC Statement due August 17, 2010; and (3)
2 Case Management Conference held on August 24, 2010;

3 WHEREAS, the Parties have agreed to engage in good faith settlement negotiations to
4 attempt early resolution of this action.

5 IT IS HEREBY STIPULATED AS FOLLOWS:

6 In light of the Parties' settlement negotiations and the upcoming hearing date for
7 Defendants' Motion to Set Aside Default scheduled for September 21, 2010, the Parties believe it
8 is in the interest of judicial economy and in the Parties' best interests to conserve their resources
9 and focus their efforts on settlement efforts as opposed to litigating this matter, and therefore
10 requests that all upcoming case management deadlines (including the CMC scheduled for August
11 24, 2010) be VACATED and the CMC continued until the hearing on Defendants' Motion to Set
12 Aside Default. Because of unavailability of Plaintiff's counsel on the previously noticed hearing
13 date of September 21, 2010, the Parties jointly request that both the CMC and Defendants' Motion
14 to Set Aside Default be continued and heard on September 28, 2010, at which point the Court can
15 make further scheduling orders as necessary.

16 SO STIPULATED.

17 Dated: August 6, 2010

CARLTON DiSANTE & FREUDENBERGER LLP

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By: /S/ Alison L. Tsao

Alison L. Tsao

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Attorneys for Defendants

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WESTERN METAL DECORATING CO. COIL DIVISION
and WESTERN METAL DECORATING CO.
CUCAMONGA DIVISION

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Dated: August 6, 2010

TRUCKER HUSS LLP

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By: /S/ Robert Schwartz

Robert Schwartz

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Attorneys for Plaintiff

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BOARD OF TRUSTEES OF THE WESTERN
INDEPENDENT SHOPS PENSION TRUST

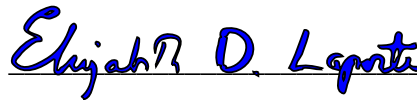
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ORDER

For good cause, the Court vacates all case management deadlines/obligations of the Parties and continues the Case Management Conference to September 28, 2010, and continues the hearing on Defendants' Motion to Set Aside Default to the same date, such that both matters will be addressed on October 5, 2010. The current briefing schedule on the Motion to Set Aside Default shall remain in place, with the Opposition due on August 31 and the Reply due on September 7. A Joint Case Management Conference Statement shall be filed no later than September 28, 2010.

IT IS SO ORDERED.

Date: Aug. 9, 2010



United States ~~District Judge~~ Magistrate Judge
Judge Elizabeth D. Laporte