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

12 BOARD OF TRUSTEES OF THE
 WESTERN INDEPENDENT SHOPS
 13 PENSION TRUST,

14 Plaintiff,

15 vs.

16 WESTERN METAL DECORATING CO.
 COIL DIVISION; WESTERN METAL
 17 DECORATING CO. CUCAMONGA
 DIVISION,

18 Defendants.
 19

Case No. C 10-02003 EDL

**STIPULATION AND ~~PROPOSED~~
 ORDER FOR EXTENSION OF TIME TO
 RESPOND TO DEFENDANTS' MOTION
 TO SET ASIDE DEFAULT AND TO
 CONTINUE HEARING AND CASE
 MANAGEMENT DEADLINES
 AS MODIFIED**

Trucker ♦ Huss
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 100 Montgomery Street, 23rd Floor
 San Francisco, California 94104

20 Plaintiff BOARD OF TRUSTEES OF THE WESTERN INDEPENDENT SHOPS
 21 PENSION TRUST and Defendant WESTERN METAL DECORATING CO. COIL DIVISION
 22 and Defendant WESTERN METAL DECORATING CO. CUCAMONGA DIVISION
 23 (collectively, "Defendants") stipulate, by and through their respective counsel, to continue the
 24 dates by which (1) Plaintiff is required to file its opposition brief to Defendants' Motion to Set
 25 Aside Default, which is currently due on or before August 31, 2010; (2) Defendants are required to
 26 file their reply brief to Plaintiff's opposition, which is currently due on or before September 7,
 27 2010; (3) the parties must file a Joint Case Management Conference Statement, which is currently
 28 due on or before by September 28, 2010; and (4) the parties must attend a hearing on Defendants'

1 Motion to Set Aside Default and the case management conference, which are both currently
 2 scheduled for October 5, 2010. All of the current deadlines for these case management dates were
 3 set by the Court's August 9, 2010 Order (Docket #18).

4 The parties agree and respectfully request that each of the above referenced deadlines be
 5 continued for twenty-eight (28) days to allow the parties to continue to engage in good faith
 6 settlement negotiations to achieve early resolution of this action.

7 Therefore, in the interests of efficiency, cost effectiveness and judicial economy, the parties
 8 agree that, if a settlement cannot be reached, each of the above referenced actions shall be
 9 rescheduled to the following dates: (1) the Plaintiff shall file its opposition brief to Defendants'
 10 Motion to Set Aside Default no later than September 28, 2010; (2) the Defendant shall file a reply
 11 brief to Plaintiff's opposition no later than ~~October 7, 2010~~ OCTOBER 26, 2010; (3) parties to file a Joint Case
 12 Management Conference Statement by ~~November 2, 2010~~; and (4) the hearing on Defendants'
 13 ~~Motion to Set Aside Default~~ and the case management conference shall be scheduled for
 14 ~~November 9, 2010~~ NOVEMBER 2, 2010. The hearing and case management conference scheduled for October 5, 2010
 15 shall be taken off the calendar, provided the Court approves this stipulation.

16 The parties have previously stipulated to extend the case management deadlines in this
 17 case. This request was granted by Court order on August 9, 2010 (Docket #18).

18 The parties' current request for a continuance will not alter any other dates or deadlines set
 19 by Court order.

20
 21 DATED: August 24, 2010

22 TRUCKER ♦ HUSS

23 By: /s/Robert F. Schwartz
 24 Robert F. Schwartz
 25 Attorneys for Plaintiff
 26 BOARD OF TRUSTEES OF THE WESTERN
 27 INDEPENDENT SHOPS PENSION TRUST
 28

1 DATED: August 24, 2010

Carlton DiSante & Freudenberger LLP

3 By: /s/ Alison L. Tsao
4 Alison L. Tsao
5 Attorneys for Defendants
6 WESTERN METAL DECORATING CO. COIL
7 DIVISION and WESTERN METAL
8 DECORATING CO. CUCAMONGA DIVISION

7 I attest that I have obtained Ms. Tsao's concurrence in the filing of this document.

8 Dated: August 24, 2010

9 /s/Robert F. Schwartz
10 Robert F. Schwartz

10 PURSUANT TO STIPULATION, IT IS SO ORDERED. AS MODIFIED

11 DATED: August 25, 2010, 2010

12 Elizabeth D. Laporte
13 Honorable Elizabeth Laporte, Magistrate Judge
14 United States District Court, District of Northern
15 California

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