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Attorneys for Defendants  
WESTERN METAL DECORATING CO. COIL DIVISION  
and WESTERN METAL DECORATING CO.  
CUCAMONGA DIVISION

**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 AND [PROPOSED]  
ORDER FOR EXTENSION OF TIME  
FOR PLAINTIFF TO RESPOND TO  
DEFENDANTS' MOTION TO SET  
ASIDE DEFAULT AND TO CONTINUE  
HEARING AND CASE MANAGEMENT  
DEADLINES**  
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;

1 WHEREAS, the Court has previously granted the Parties' requested stipulation to continue  
2 the hearing on Defendants' Motion to Set Aside Default and case management conference on  
3 August 9, 2010 (Docket #18) and again on August 25, 2010 (Docket #20);

4 WHEREAS, the Court's August 25, 2010 Order (Docket #20) sets forth a number of  
5 scheduling, hearing, and case management deadlines, as follows: (1) Plaintiff's Opposition to  
6 Motion to Set Aside Default is due on September 28, 2010; (2) Defendants' Reply to Motion to Set  
7 Aside Default is due on October 7, 2010; (3) Parties to file Joint Case Management Conference  
8 Statement by October 26, 2010; and (4) the hearing on Defendants' Motion to Set Aside Default  
9 and Case Management Conference was set for November 2, 2010.

10 WHEREAS, the Parties have agreed to the essential terms of a settlement and request an  
11 additional 28 days to finalize the settlement.

12 IT IS HEREBY STIPULATED AS FOLLOWS:

13 In light of the Parties' impending settlement and the upcoming briefing deadlines and  
14 hearing dates associated with Defendants' Motion to Set Aside Default and Case Management  
15 Conference, the Parties believe it is in their best interests and in the interest of judicial economy to  
16 continue all upcoming motion and case management deadlines as follows: (1) Plaintiff's  
17 Opposition to Motion to Set Aside Default is due on October 26, 2010; (2) Defendants' Reply to  
18 Motion to Set Aside Default is due on November 4, 2010; (3) Parties to file Joint Case  
19 Management Conference Statement by November 23, 2010; and (4) the hearing on Defendants'  
20 Motion to Set Aside Default and Case Management Conference shall be scheduled for November  
21 30, 2010. The hearing and case management conference scheduled for November 2, 2010 shall be  
22 VACATED, provided the Court approves this Stipulation.

23 SO STIPULATED.

24 Dated: September 27, 2010

CARLTON DiSANTE & FREUDENBERGER LLP

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By: /S/ Alison L. Tsao

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Alison L. Tsao

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Attorneys for Defendants  
WESTERN METAL DECORATING CO. COIL DIVISION  
and WESTERN METAL DECORATING CO.  
CUCAMONGA DIVISION

1 I attest that I have obtained Mr. Schwartz's concurrence in the filing of this Stipulation.

2 Dated: September 27, 2010 TRUCKER HUSS LLP

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4 By: /S/ Robert Schwartz  
5 Robert Schwartz  
6 Attorneys for Plaintiff  
7 BOARD OF TRUSTEES OF THE WESTERN  
8 INDEPENDENT SHOPS PENSION TRUST

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ORDER

8 For good cause, the Court vacates all case management deadlines/obligations of the Parties  
9 and continues the Case Management Conference such that both matters will be heard on November  
10 30, 2010.

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12 IT IS SO ORDERED.

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14 Date: September 28, 2010

*Elizabeth D. Laporte*

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United States Magistrate Judge  
Judge Elizabeth D. Laporte

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