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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**

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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 October 26, 2010; (2) Defendants are required
 26 to file their reply brief to Plaintiff's opposition, which is currently due on or before November 4,
 27 2010; (3) the parties must file a Joint Case Management Conference Statement, which is currently
 28 due on or before by November 23, 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 November 30, 2010. All of the current deadlines for these case management dates
 3 were set by the Court's September 27, 2010 Order (Docket #22).

4 The parties have been diligently pursuing settlement and have made considerable progress
 5 toward that end. The parties believe that an additional extension will allow them to determine
 6 finally whether settlement is achievable at this juncture. The parties therefore agree and
 7 respectfully request that each of the above referenced deadlines be continued for between twenty-
 8 one and twenty-eight (28) days to allow the parties to continue to engage in good faith settlement
 9 negotiations to achieve early resolution of this action.

10 Therefore, in the interests of efficiency, cost effectiveness and judicial economy, the parties
 11 agree that, if a settlement cannot be reached, each of the above referenced actions shall be
 12 rescheduled to the following dates: (1) the Plaintiff shall file its opposition brief to Defendants'
 13 Motion to Set Aside Default no later than November 23, 2010; (2) the Defendant shall file a reply
 14 brief to Plaintiff's opposition no later than December 7, 2010; (3) parties to file a Joint Case
 15 Management Conference Statement by December 14, 2010; and (4) the hearing on Defendants'
 16 Motion to Set Aside Default and the case management conference shall be scheduled for
 17 December 21, 2010. The hearing and case management conference scheduled for November 30,
 18 2010 shall be taken off the calendar, provided the Court approves this stipulation.

19 The parties have made three previous modifications to the case through (1) the August 6,
 20 2010 Stipulation to Continue Case Management Conference (Docket #15); (2) the August 24,
 21 2010 Stipulation For Extension of Time to Respond to Defendants' Motion to Set Aside Default
 22 and to Continue Hearing and Case Management Deadlines (Docket #19); and (3) the
 23 September 27, 2010 Stipulation For Extension of Time For Plaintiff to Respond to Defendants'
 24 Motion to Set Aside Default and to Continue Hearing and Case Management (Docket #21).

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

3 DATED: October 19, 2010

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5 By: /s/Robert F. Schwartz
6 Robert F. Schwartz
7 Attorneys for Plaintiff
8 BOARD OF TRUSTEES OF THE WESTERN
9 INDEPENDENT SHOPS PENSION TRUST

10 DATED: October 19, 2010

Carlton DiSante & Freudenberger LLP

11 By: /s/ Alison L. Tsao
12 Alison L. Tsao
13 Attorneys for Defendants
14 WESTERN METAL DECORATING CO. COIL
15 DIVISION and WESTERN METAL
16 DECORATING CO. CUCAMONGA DIVISION

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

18 DATED: October 19, 2010

/s/Robert F. Schwartz
Robert F. Schwartz

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20 DATED: October 19, 2010

21 Elizabeth D. Laporte
22 Honorable Elizabeth Laporte, Magistrate Judge
23 United States District Court, District of Northern
24 California

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