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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 THE BOARD OF TRUSTEES OF THE) No. CV 10-3300 JL
 11 CARPENTERS PENSION TRUST FUND FOR)
 NORTHERN CALIFORNIA,)

12 Plaintiffs,

) **STIPULATION TO CONTINUE**
) **MEDIATION DEADLINE;**
) **~~PROPOSED~~ ORDER**

13 v.

14 FINER FLOOR COVERINGS, INC., a)
 15 California Corporation,)

16 Defendant.)
 17)
 18)

18 FINER FLOOR COVERINGS, INC., a)
 19 California Corporation,)

20 Third-Party Plaintiff,

21 v.

22 SEDLACEK INC., a California Corporation,)
 dba FINER FLOORS,)

23 Third-Party Defendant)
 24)
 25)
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1 Plaintiffs and Defendant/Third-Party Plaintiff, by and through their counsel, hereby
 2 stipulate and respectfully request that the Court so order that the deadline for mediation in the
 3 above-entitled action be extended to May 9, 2011. The current deadline to complete mediation is
 4 March 7, 2011. As set forth in the Stipulation to Continue the Mediation Deadline filed on January
 5 5, 2011, Plaintiffs and Defendants believe that in the interest of judicial economy, it would be
 6 helpful for Third-Party Defendant Sedlacek, Inc. (“Sedlacek”) to participate in the mediation
 7 session. However, Defendant’s principals, Defendant’s Counsel and the Mediator have attempted
 8 to contact Sedlacek to participate in the mediation, but to no avail. While the Parties believe that
 9 having Sedlacek participate in the mediation would be helpful, Plaintiffs and Defendant are
 10 prepared to proceed with mediation without Sedlacek, but will not be able to schedule the
 11 mediation before the March 7th deadline. Additionally, Defendant/Third-Party Defendant will be
 12 seeking a request for entry of default against Sedlacek. The additional time, if granted, will allow
 13 Plaintiffs and Defendants the opportunity to participate in the mediation session. Accordingly,
 14 Plaintiffs and Defendant/Third-Party Plaintiff respectfully request that the Court extend the
 15 deadline to complete mediation to May 9, 2011.

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17 Dated: March 3, 2011

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WEINBERG, ROGER & ROSENFELD
A Professional Corporation

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By: /s/ Ezekiel Carder
EZEKIEL D. CARDER
Attorneys for Plaintiffs

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23 Dated: March 3, 2011

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CAMPEAU GOODSSELL SMITH

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By: /s/ Kari Silva
KARI SILVA
Attorneys for Defendant

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PROPOSED ORDER

The Court approves the terms of the above Stipulation and the Parties are ordered to comply with this Order. In addition the Court orders:

Dated: March 8, 2011



HONORABLE JAMES LARSON
UNITED STATES MAGISTRATE JUDGE

124380/611000

PROOF OF SERVICE

I am a citizen of the United States, and a resident of the State of California. I am over the age of eighteen years, and not a party to the within action. My business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On March 4, 2011, I served upon the following parties in this action:

Sedlacek, Inc. dba Finer Floors
1282 Alma Court
San Jose, CA 95112

copies of the document(s) described as:

Stipulation to Continue Mediation Deadline; [Proposed] Order

BY MAIL I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

BY PERSONAL SERVICE I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused the same to be delivered by hand to the offices of each addressee.

BY OVERNIGHT DELIVERY SERVICE I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and placed the same for collection by Overnight Delivery Service by following the ordinary business practices of Weinberg, Roger & Rosenfeld, Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of Overnight Delivery Service correspondence, said practice being that in the ordinary course of business, Overnight Delivery Service correspondence is deposited at the Overnight Delivery Service offices for next day delivery the same day as Overnight Delivery Service correspondence is placed for collection.

BY FACSIMILE I caused to be transmitted each document listed herein via the fax number(s) listed above or on the attached service list.

I certify that the above is true and correct. Executed at Alameda, California, on March 4, 2011.


Mary Patricia Boersma

124380/611051