

1 PHILIP M. MILLER (SBN 87877)  
2 [pmiller@sjlawcorp.com](mailto:pmiller@sjlawcorp.com)  
3 ANNE M. BEVINGTON (SBN 111320)  
4 [abevington@sjlawcorp.com](mailto:abevington@sjlawcorp.com)  
5 KIMBERLY A. HANCOCK (SBN 205567)  
6 [khancock@sjlawcorp.com](mailto:khancock@sjlawcorp.com)  
7 SALTZMAN & JOHNSON LAW CORPORATION  
8 44 Montgomery Street, Suite 2110  
9 San Francisco, CA 94104  
10 (415) 882-7900  
11 (415) 882-9287 – Facsimile

12 Attorneys for Plaintiffs

13 JOHN P. BOGGS (SBN 172578)  
14 [jboggs@employerlawyers.com](mailto:jboggs@employerlawyers.com)  
15 IAN G. ROBERTSON (SBN 283151)  
16 FINE, BOGGS & PERKINS LLP  
17 80 Stone Pine Road, Suite 210  
18 Half Moon Bay, CA 94019  
19 (650) 712-8908  
20 (650) 712-1712 – Facsimile

21 Attorney for Defendants

22 UNITED STATES DISTRICT COURT  
23 FOR THE NORTHERN DISTRICT OF CALIFORNIA

24 PENSION TRUST FUND FOR OPERATING  
25 ENGINEERS, et al.,

26 Plaintiffs,

27 vs.

28 TRACTOR EQUIPMENT SALES, INC., a  
California corporation, et al.,

Defendants.

CASE NO. CV 12-1056 WHO

RELATED TO

CASE NO. CV 13-3703 WHO

**STIPULATION AND JOINT REQUEST  
TO CONTINUE PRETRIAL  
CONFERENCE AND TRIAL PENDING  
RULING ON DISPOSITIVE MOTIONS;  
ORDER THEREON**

22 AUTOMOTIVE INDUSTRIES PENSION  
23 TRUST FUND, et al.,

24 Plaintiffs,

25 v.

26 TRACTOR EQUIPMENT SALES, INC., a  
27 California corporation, et al.,

28 Defendants.

**Trial Date: November 19, 2014**

STIP AND JOINT REQUEST TO CONTINUE TRIAL; ORDER  
RELATED CASE NOS. CV 12-1056 AND 13-3703 WHO

1 On September 3, 2014, the Court heard the parties' cross-motions for summary judgment in  
2 these related cases. The motions are pending before the Court. The current schedule for the case  
3 requires the parties to make their pretrial submissions by October 20, 2014, 14 days in advance of  
4 the pretrial conference scheduled for November 3, 2014, with a bench trial to follow on November  
5 19, 2014. The existing dates of the pretrial conference and trial were set in the Court's Civil Pretrial  
6 Order entered on November 14, 2013 (Dkt. No. 54 in Case No. 12-cv-1056 and Dkt. No. 19 in  
7 Case No. 13-cv-3703) and have not previously been continued.

8 Because the parties expect that the Court's rulings on the pending motions will likely  
9 narrow the issues for trial if it does not dispose of the cases altogether, the parties have conferred  
10 and agreed to request that the Court continue the dates of the pretrial conference and the trial for 90  
11 days, or for such other period as the Court deems appropriate. The requested continuance would  
12 permit the parties to prepare for trial on the issues, if any, remaining to be tried after the motions  
13 are decided, rather than preparing for trial on all issues unnecessarily, and to estimate reliably the  
14 time that will be needed for trial.

15 The parties propose the following new dates:

16 February 16, 2015 at 2:00 p.m. – Pretrial conference

17 March 4, 2015 at 8:00 a.m. – Bench trial

18 Respectfully submitted,

19 Date: October 9, 2014

SALTZMAN & JOHNSON LAW CORPORATION

20 By: /S/ Anne M. Bevington  
21 ANNE M. BEVINGTON  
22 Attorneys for Plaintiffs

23 Date: October 9, 2014

FINE, BOGGS & PERKINS LLP

24 By: /S/ John P. Boggs  
25 JOHN P. BOGGS  
26 Attorneys for Defendants

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATION RE SIGNATURES**

I attest that concurrence in the filing of this document has been obtained from the other signatory.

Dated: October 9, 2014

/S/ Anne M. Bevington  
Anne M. Bevington

**ORDER**

Pursuant to the foregoing Stipulation, and good cause appearing, the Court VACATES the pretrial conference and trial. They will be reset in the event the pending motions do not resolve the case.

**IT IS SO ORDERED.**

Date: October 10, 2014

  
\_\_\_\_\_  
HON. WILLIAM H. ORRICK  
UNITED STATES DISTRICT JUDGE