Case3:12-cv-04410-JSW Document49 Filed05/23/13 Page1 of 4

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4	(775) 786-7445 tele. (775) 786-7947 fax					
5	jdmoore@springerlawnevada.com Attorney for Defendants					
6	UNITED STATES DISTRICT COURT					
7	FOR THE NORTHERN DISTRICT OF CALIFORNIA					
8						
9	PENSION PLAN FOR PENSION TRUST	Case No. 3:12-cv-04410-JSW				
10	FUND FOR OPERATING ENGINEERS; F.G. CROSTHWAITE and RUSSELL E.	STIPULATION AND ORDER TO				
11	BURNS, as Trustees,	EXTEND DISCOVERY DEADLINES AND TO MOVE CASE MANAGEMENT				
12	Plaintiffs,	CONFERENCE				
13	VS.	Date: May 31, 2013				
14	ACME CONCRETE PUMPING, INC., a Nevada corporation; TEDESCO PACIFIC	Time: 1:30 pm Courtroom 11, 19 th Floor				
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17	PACIFIC RIM COMMERCIAL CONCRETE, INC a Nevada corporation; GREGORY TEDESCO, as	•				
18	trustee of the GREGORY AND LORA TEDESCO FAMILY TRUST; LORA TEDESCO, as trustee					
19	of the GREGORY AND LORA TEDESCO FAMILY TRUST; and DOES 1- 20,					
20	Defendants.					
21						
22	IT IS HEREBY STIPULATED AND ORDERED, by and between the parties hereto, through					
23	their respective counsel of record, that the Case Management Conference scheduled in this matter					
24	to occur on May 31, 2013, be continued, to permit the parties additional time to move forward with					
25	mediation in an effort to resolve this dispute. On May 6, 2013, the parties conducted a mediation					
26	with Ann Julius, the Court-appointed mediator assigned to this matter on appeal to the Ninth Circuit					
27	Court of Appeals. Representatives from the Defendants were in attendance, as well as counsel for					
28	the Defendants and personal counsel for Gregory and Lora Tedesco. Russell E. Burns, a named					

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Stipulation to Order to Extend Discovery Deadlines Case No. 3:12-cv-04410-JSW

Case3:12-cv-04410-JSW Document49 Filed05/23/13 Page2 of 4

Plaintiff trustee, was also in attendance with counsel. The parties made significant progress at this mediation, but feel that additional limited discovery will bolster settlement discussions. Because no discovery scheduling order has been issued in this matter, the parties wish to proceed with limited pre-scheduling order discovery in an effort to save time and money to determine early on in this case if settlement is possible. With this in mind, the parties hereby stipulate to continue the Case Management Conference currently scheduled to occur on May 31, 2013.

The Case Management Conference in this matter was originally scheduled to take place on January 18, 2013. On November 21, 2012, after Defendants filed a Motion to Compel Arbitration in this matter, Plaintiffs filed a Request to Continue Case Management Conference, in light of Defendants' Motion to Compel Arbitration. (Docket # 37). The Court granted Plaintiffs' request, continuing the Case Management Conference to March 22, 2013. (Id.). After the parties filed a Joint Case Management Statement on March 14, 2013, noting that the parties were going to engage in a mediation session in later April or early May of 2013, the Court unilaterally continued the Case Management Conference until May 31, 2013. (Docket # 48). After engaging in mediation with Ann Julius on May 6, 2013, the parties feel that additional limited discovery will assist the parties in their efforts to resolve this matter short of proceeding through litigation. Therefore, in accordance with LR 6-2 and LR 7-12, the parties stipulate as follows:

I. Plaintiffs have conducted the following discovery:

- 1. Served initial disclosures on Defendants pursuant to FRCP 26(a) on March 14, 2013.
- 2. Reviewed documents produced to Plaintiffs voluntarily by Defendants for purposes of mediation (which will constitute Defendants' initial disclosures pursuant to FRCP 26(a) as soon as Plaintiffs execute the stipulated protective order Defendants forwarded to Plaintiffs in April of 2013).
 - 3. Participated in mediation on May 6, 2013 with mediator Ann Julius.

II. Defendants have conducted the following discovery:

1. Served document disclosures on Plaintiffs, which will constitute Defendants initial disclosures made pursuant to FRCP 26(a) as soon as Plaintiffs executed the stipulated protective order Defendants forward to Plaintiffs in April of 2013;

1	2. Reviewed Plaintiffs' initial disclosures made pursuant to FRCP 26(a).						
2	3. Participated in mediation on May 6, 2013 with mediator Ann Julius.						
3	ш.	III. The Parties will Conduct Additional Discovery in Furtherance of Mediation as Follows:					
4		1.	A dep	osition in the nature of a	a debtor's exam of Lora Tedesco, a shareholder and		
5	office	r of the	the Defendant companies, also named as a Defendant in her capacity as a trustee of the				
6	Gregory and Lora Tedesco Family Trust, currently scheduled to occur on June 17, 2013 in Sar						
7	Francisco, commencing at 10:00 am.						
8		2.	2. Defendants will produce the following additional documents:				
9			(A)	Personal tax returns for	r Gregory and Lora Tedesco for the last four years;		
10			(B)	Bank statements for ea	ch named Defendant for the last four months;		
11			(C)	Bank statements for Gr	regory and Lora Tedesco for the last four months;		
12			(D)	An asset list for Gregor	ry and Lora Tedesco;		
13			(E)	An asset list for each n	amed Defendant;		
14			(F)	If there are any legal	entities that existed at the time Plaintiffs assessed		
15				withdrawal liability, do	ocuments related to these entities will be produced.		
16		2.	A fur	ther mediation has been s	scheduled to take place on July 8, 2013, with		
17	mediator Ann Julius in San Francisco, commencing at 10:00 am.						
18	The parties request an extension of the Case Management Conference for a period of 60						
19	days so the parties can continue to explore a resolution of this matter through mediation.						
20	DATED this also day of MUL, 2013. DATED this also day of MUL, 2013						
21	SALTZMAN & JOHNSON LAW OFFICES OF MICHAEL SPRINGE						
22							
23							
24	By: s/ Julie A. Richardson				By: s/ John D. Moore		
25	Julie A. Richardson Attorney for Plaintiffs			John D. Moore Attorney for Defendants			
26				-			
27							
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Case3:12-cv-04410-JSW Document49 Filed05/23/13 Page4 of 4

ORDER IT IS SO ORDERED, PURSUANT TO STIPULATION, that the Case Management Conference is hereby continued to August 9, 2013 at 1:30 p.m. . All related deadlines are extended accordingly. DATED: _ May 28, 2013