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6 UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8

9 PENSION PLAN FOR PENSION TRUST
FUND FOR OPERATING ENGINEERS;
10 F.G. CROSTHWAITE and RUSSELL E.
BURNS, as Trustees,
11
12 Plaintiffs,

Case No. 3:12-cv-04410-JSW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
AND TO MOVE CASE MANAGEMENT
CONFERENCE**

13 vs.

14 ACME CONCRETE PUMPING, INC., a
Nevada corporation; TEDESCO PACIFIC
CONSTRUCTION, INC., a Nevada corporation;
15 TEDESCO LEASING, LTD., a Nevada limited
liability company; TRUCK & EQUIPMENT
16 CENTER, LLC, a Nevada limited liability company;
PACIFIC RIM COMMERCIAL CONCRETE, INC.,
17 a Nevada corporation; GREGORY TEDESCO, as
trustee of the GREGORY AND LORA TEDESCO
18 FAMILY TRUST; LORA TEDESCO, as trustee
of the GREGORY AND LORA TEDESCO
19 FAMILY TRUST; and DOES 1- 20,
20
21 Defendants.

Date: May 31, 2013
Time: 1:30 pm
Courtroom 11, 19th Floor
Judge: The Honorable Jeffrey S. White

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

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

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

18 **I. Plaintiffs have conducted the following discovery:**

- 19 1. Served initial disclosures on Defendants pursuant to FRCP 26(a) on March 14, 2013.
- 20 2. Reviewed documents produced to Plaintiffs voluntarily by Defendants for purposes
21 of mediation (which will constitute Defendants' initial disclosures pursuant to FRCP 26(a) as soon
22 as Plaintiffs execute the stipulated protective order Defendants forwarded to Plaintiffs in April of
23 2013).
- 24 3. Participated in mediation on May 6, 2013 with mediator Ann Julius.

25 **II. Defendants have conducted the following discovery:**

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

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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



THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE