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

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

11 Plaintiffs,

12 vs.

13 ACME CONCRETE PUMPING, INC., a  
14 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 Defendants.  
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Case No. 3:12-cv-04410-WHO

**STIPULATION AND ORDER TO  
TO MOVE CASE MANAGEMENT  
CONFERENCE**

Date: August 6, 2013  
Time: 2:00 pm  
Courtroom 2, 17<sup>th</sup> Floor  
Judge: The Honorable William H. Orrick

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 August 6, 2013, be continued, because of pre-existing conflicts related to that date.  
25 Counsel for the Defendants, John Moore, will be attending a previously scheduled mediation on  
26 August 6, 2013 in Las Vegas in another matter. The Las Vegas mediation has been scheduled for  
27 several months and cannot be re-set. Additionally, the parties are continuing their joint efforts to  
28 resolve this matter through mediation with Ann Julius, the Court-appointed mediator assigned to this

1 matter on appeal to the Ninth Circuit Court of Appeals. The parties have an August 5, 2013 deadline  
2 to respond to Ms. Julius' most recent settlement proposal, which was the result of the parties' July  
3 8, 2013 mediation conducted in San Francisco. At this mediation, representatives from the  
4 Defendants were in attendance, as well as counsel for the Defendants and personal counsel for  
5 Gregory and Lora Tedesco. Russell E. Burns and F.G. Crosthwaite, named Plaintiff trustees, were  
6 also in attendance with counsel. The parties made significant progress at this mediation and hope  
7 to be able to respond positively to Ms. Julius' most recent proposal. If not successful, the parties will  
8 appear at a Case Management Conference as soon as one can be scheduled with this Court, but the  
9 parties request scheduling this Case Management Conference to occur on Tuesday, September 24,  
10 2013. With these issues in mind, the parties hereby stipulate to continue the Case Management  
11 Conference currently scheduled to occur on August 6, 2013.

12 The Case Management Conference in this matter was originally scheduled to take place on  
13 January 18, 2013. On November 21, 2012, after Defendants filed a Motion to Compel Arbitration  
14 in this matter, Plaintiffs filed a Request to Continue Case Management Conference, in light of  
15 Defendants' Motion to Compel Arbitration. (Docket # 37). The Court granted Plaintiffs' request,  
16 continuing the Case Management Conference to March 22, 2013. (Id.). After the parties filed a  
17 Joint Case Management Statement on March 14, 2013, noting that the parties were going to engage  
18 in a mediation session in later April or early May of 2013, the Court unilaterally continued the Case  
19 Management Conference until May 31, 2013. (Docket # 48). After engaging in mediation with Ann  
20 Julius on May 6, 2013 and again on July 8, 2013, and because counsel for Defendants has an  
21 unavoidable scheduling conflict on August 6, 2013, the parties stipulate that the Case Management  
22 Conference should be continued until September 24, 2013. Therefore, in accordance with LR 6-2  
23 and LR 7-12, the parties stipulate as follows:

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

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

1 2013).

2 3. Participated in mediation on May 6, 2013 and on July 8, 2013 with mediator Ann  
3 Julius.

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

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

8 2. Produced numerous additional documents as previously stipulated as requested by  
9 Plaintiffs at the May 6, 2013 mediation, which included:

- 10 (A) Personal tax returns for Gregory and Lora Tedesco for the last four years;
- 11 (B) Bank statements for each named Defendant for the last four months;
- 12 (C) Bank statements for Gregory and Lora Tedesco for the last four months;
- 13 (D) An asset list for Gregory and Lora Tedesco;
- 14 (E) An asset list for each named Defendant;
- 15 (F) If there are any legal entities that existed at the time Plaintiffs assessed  
16 withdrawal liability, documents related to these entities will be produced.

17 3. Reviewed Plaintiffs' initial disclosures made pursuant to FRCP 26(a).

18 4. Participated in mediation on May 6, 2013 and on July 8, 2013 with mediator Ann  
19 Julius.

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The parties request an extension of the Case Management Conference until September 24, 2013 to permit further exploration of possible settlement and to allow counsel for Defendants to attend the mediation previously scheduled to occur in Las Vegas in another matter on August 6, 2013. The parties also request authority to appear at the Case Management Conference by telephone.

DATED this 30<sup>th</sup> day of July, 2013.

DATED this 30<sup>th</sup> day of July, 2013.

SALTZMAN & JOHNSON

LAW OFFICES OF MICHAEL SPRINGER

By: s/ Julie A. Richardson

By: s/ John D. Moore

Julie A. Richardson

John D. Moore

*Attorney for Plaintiffs*

*Attorney for Defendants*

**ORDER**

**IT IS SO ORDERED, PURSUANT TO STIPULATION,** that the Case Management Conference is hereby continued to September 24, 2013 at 2:00 pm. The parties are permitted to appear at the Case Management Conference by telephone. All related deadlines are extended accordingly.

DATED: August 2, 2013

  
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THE HONORABLE WILLIAM H. ORRICK  
UNITED STATES DISTRICT JUDGE