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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

21 F.G. CROSTHWAITE and RUSSELL E.
 BURNS, in their respective capacities as
 22 Trustees of the OPERATING ENGINEERS'
 HEALTH AND WELFARE TRUST FUND, et
 23 al.,

Plaintiffs,

25 vs.

26 GIACALONE ELECTRICAL SERVICES,
 INC., et al.,

27 Defendants.
28

Case No.: C12-6178 SI

**STIPULATION AND [~~PROPOSED~~
 ORDER] TO CONTINUE MEDIATION
 DEADLINE AND CASE
 MANAGEMENT CONFERENCE**

Complaint: 12/6/12
 Trial: 2/18/14
 Judge Honorable Susan Illston

1 Plaintiffs Operating Engineers' Health and Welfare Trust Fund, et al. and Defendants
2 Gilroy Construction, Inc. and Giacalone Design Services, Inc. through their respective counsel
3 hereby stipulate to the following:

4 1. On May 1, 2013, the Court extended the deadline for mediation to June 29, 2013,
5 pursuant to the parties' request. Docket No. 30.

6 2. Plaintiffs served Request for Production of Documents and Special Interrogatories
7 on Defendants Gilroy Construction, Inc. and Giacalone Design Services, Inc., on May 10, 2013,
8 and May 14, 2013, respectively. Defendants are still gathering the requested documents and
9 information. Plaintiffs are agreeable to an extension until Friday July 12, 2013, for Defendants to
10 serve responses to discovery.

11 3. On May 22, 2013, Plaintiff Pension Plan for Pension Trust Fund for Operating
12 Engineers filed a Complaint in *Pension Plan for Pension Trust Fund for Operating Engineers, et*
13 *al., v. Giacalone Electrical Services, Inc., et al.*, Case No. CV13-2338, to recover unpaid
14 withdrawal liability under the Employee Retirement Income Security Act of 1974 as amended by
15 the Multiemployer Pension Plan Amendments Act of 1980 ("Withdrawal Liability Action"). A
16 motion to relate the Withdrawal Liability Action to this instant action was filed on May 31, 2013.
17 Docket No. 34.

18 4. The parties previously agreed to participate in mediation with the Court appointed
19 mediator James H. Fleming on June 18, 2013. However, the parties have not yet exchanged the
20 information and documents that may help effectuate a settlement at the mediation and the parties
21 seek to attempt to enter into a global settlement of the claims in this instant action and the
22 Withdrawal Liability Action. Accordingly, the parties stipulate to participate in mediation in July
23 and will promptly confirm a date with the mediator.

24 5. Plaintiffs and Defendants Gilroy Construction, Inc., Giacalone Design Services,
25 Inc. will participate in the mediation. The clerk entered default against Defendant Giacalone
26 Electrical Services, Inc. and as such, it will not participate in the mediation. Docket No. 33.

27 6. Based on the foregoing, the parties hereby stipulate to and request to continue the
28 mediation deadline to August 1, 2013, and the Case Management Conference from July 12, 2013,

