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18				
19	UNITED STATES DISTRICT COURT			
20	FOR THE NORTHERN DISTRICT OF CALIFORNIA			
21	F.G. CROSTHWAITE and RUSSELL E.	Case No.: C	12-6178 SI	
22	BURNS, in their respective capacities as Trustees of the OPERATING ENGINEERS'		ION AND [P ROPOSED	
23	HEALTH AND WELFARE TRUST FUND, et al.,	ORDERJ TO DEADLINE	O CONTINUE MEDIATION E AND CASE	
_	Plaintiffs,	MANAGEN	MENT CONFERENCE	
24			12/6/12	
25	vs.	Complaint: Trial:	12/6/12 2/18/14	
26	GIACALONE ELECTRICAL SERVICES, INC., et al.,	Judge	Honorable Susan Illston	
27	Defendants.			
28				
	P:\CLIENTS\OE3CL\Giacalone Electrical Services\ADR\Mediation\Stipulation to Continue Mediat	ion and CMC 061013.DOC	-1- STIPULATION RE MEDIATION Case No.: C12-6178 SI Dockets.Justia.	.com

Plaintiffs Operating Engineers' Health and Welfare Trust Fund, et al. and Defendants
 Gilroy Construction, Inc. and Giacalone Design Services, Inc. through their respective counsel
 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.

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

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

1	to August 9, 2013. At this time, said extension will not result in a modification of or the deadlines		
2	specified in the Court's Pretrial Preparation Order. (Docket Nos. 25, 26).		
3	specified in the Court's Freuhal Freparation Order. (Docket Nos. 25, 20).		
4	Date: June 10, 2013SALTZMAN & JOHNSON LAW CORPORATION		
5			
6	By: //S// Shaamini A. Babu		
7	Attorneys for Plaintiffs		
8	Dated: June 10, 2013 SWEENEY, MASON, WILSON & BOSOMWORTH		
9			
10	By: //S// Roger M. Mason		
11	Kristen Green Attorneys for Defendant Gilroy Construction, Inc.		
12	Dated: June 10, 2013 CHARLEY M. STOLL, A PROFESSIONAL		
13	CORPORATION		
14			
15	By: //S// Valerie L. Williams		
16	Attorneys for Defendant Giacalone Design Services, Inc.		
17			
18	ORDER		
19	IT IS SO ORDERED.		
20	Based on the foregoing, and good cause appearing, the mediation deadline is hereby		
21	extended to August 1, 2013, and the Case Management Conference is continued from July 12,		
22	2013, to August 9, 2013, at 3:00 p.m.		
23	Sugar Matter		
24	Date: $6/13/13$		
25	THE HONORABLE SUSAN ILLSTON UNITED STATES DISTRICT COURT JUDGE		
26			
27			
28			
	-3- STIPULATION RE MEDIATION P:\CLIENTS\OE3CL\Giacalone Electrical Services\ADR\Mediation\Stipulation to Continue Mediation and CMC 061013.DOC Case No.: C12-6178 SI		