

1 Michele R. Stafford, Esq. (SBN 172509)
 Shaamini A. Babu, Esq. (SBN 230704)
 2 Saltzman & Johnson Law Corporation
 44 Montgomery Street, Suite 2110
 3 San Francisco, CA 94104
 Telephone: (415) 882-7900
 4 Facsimile: (415) 882-9287
 5 mstafford@sjlawcorp.com
 sbabu@sjlawcorp.com
 6 Attorneys for Plaintiffs

7 Charley M. Stoll, Esq. (SBN 64946)
 Law Offices of Charley M. Stoll
 8 711 East Daily Drive, Suite 115
 9 Camarillo, California 93010
 Telephone: (805) 389-5296
 10 Facsimile: (805) 389-5288
 vwilliams@cmsapc.com
 11 Attorney for Defendant Giacalone Design
 Services, Inc.

13 Roger M. Mason, Esq. (SBN 107486)
 Sweeney, Mason, Wilson & Bosomworth
 14 983 University Avenue, Suite 104C
 15 Los Gatos, CA 95032-7637
 Telephone: (408) 356-3000
 16 Facsimile: (408) 354-8839
 RMason@smwb.com
 17 Attorneys for Defendant Gilroy
 Construction, Inc.

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.,

24 Plaintiffs,

25 vs.

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

27 Defendants.

Case No.: C12-6178 SI

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

CMC: 8/9/13
 Time: 3:00 pm
 Ctrm: 10 (19th Floor)
 Location: 450 Golden Gate Avenue
 San Francisco, CA
 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 29, 2013, the Court entered default against Defendant Giacalone Electrical
5 Services, Inc. Docket No. 33.

6 2. On June 14, 2013, the Court extended the deadline for mediation to August 1,
7 2013, and continued the Case Management Conference to August 9, 2013, pursuant to the parties'
8 request. Docket No. 37.

9 3. On June 18, 2013, the Court related the instant action to *Pension Plan for Pension*
10 *Trust Fund for Operating Engineers, et al., v. Giacalone Electrical Services, Inc., et al.*, Case No.
11 CV13-2338 ("Withdrawal Liability Action"). Docket No. 38. Defendants Gilroy Construction,
12 Inc. and Defendant Giacalone Electrical Services, Inc. are also named in the Withdrawal Liability
13 Action along with seven (7) other defendants.

14 4. The parties in the instant action and the Withdrawal Liability Action seek to reach a
15 global settlement. Since the Court last granted a continuance the parties have been attempting to
16 schedule a mediation but there were scheduling conflicts because there are eleven parties involved
17 in both actions.

18 5. Mediation has been scheduled for **Thursday August 8, 2013**, with the court
19 appointed mediator James Fleming.

20 6. Plaintiffs and Defendants Gilroy Construction, Inc. and Giacalone Design Services,
21 Inc. will participate in the mediation. Vincent Giacalone who is named as a defendant in the
22 Withdrawal Liability Action and owns an interest in many of the corporate defendants named in
23 both actions will also participate in the mediation. It may be necessary to hold a mediation session
24 in the Withdrawal Liability Action if the parties do not settle on August 8, 2013, since certain
25 defendants have not yet been served or appeared in the Withdrawal Liability Action.¹

26 _____
27 ¹ As the designated agent for service of process, Vincent Giacalone has not returned an executed Waiver of the
28 Service of Summons for Giacalone Electrical Services, Inc. and Giacalone Mgmt, LLC as requested. Service has been
effectuated on the remaining defendants in the Withdrawal Liability Action i.e. Gilroy Construction, Inc., VLG2,
LLC, Luchessa Road, LLC, Ronan Avenue Investors, LLC, Crow Court, LLC, and Vincent and Lisa Giacalone.

