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18	Construction, Inc.				
19	UNITED STATES DISTRICT COURT				
20	FOR THE NORTHERN DISTRICT OF CALIFORNIA				
21	F.G. CROSTHWAITE and RUSSELL E.	Case No.: C	C12-6178 SI		
22	BURNS, in their respective capacities as Trustees of the OPERATING ENGINEERS'	STIPULATION AND [PROPOSED			
23	HEALTH AND WELFARE TRUST FUND, et al.,		O CONTINUE CASE MENT CONFERENCE		
24	Plaintiffs,	CMC:	8/9/13		
25	vs.	Time: Ctrm: Location:	3:00 pm 10 (19 th Floor) 450 Golden Gate Avenue		
26	GIACALONE ELECTRICAL SERVICES, INC., et al.,	Judge	San Francisco, CA Honorable Susan Illston		
27	Defendants.				
28					

 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:

- 1. On May 29, 2013, the Court entered default against Defendant Giacalone Electrical Services, Inc. Docket. No. 33.
- 2. On June 14, 2013, the Court extended the deadline for mediation to August 1, 2013, and continued the Case Management Conference to August 9, 2013, pursuant to the parties' request. Docket No. 37.
- 3. On June 18, 2013, the Court related the instant action to *Pension Plan for Pension Trust Fund for Operating Engineers*, *et al.*, *v. Giacalone Electrical Services*, *Inc.*, *et al.*, Case No. CV13-2338 ("Withdrawal Liability Action"). Docket No. 38. Defendants Gilroy Construction, Inc. and Defendant Giacalone Electrical Services, Inc. are also named in the Withdrawal Liability Action along with seven (7) other defendants.
- 4. The parties in the instant action and the Withdrawal Liability Action seek to reach a global settlement. Since the Court last granted a continuance the parties have been attempting to schedule a mediation but there were scheduling conflicts because there are eleven parties involved in both actions.
- 5. Mediation has been scheduled for **Thursday August 8, 2013**, with the court appointed mediator James Fleming.
- 6. Plaintiffs and Defendants Gilroy Construction, Inc. and Giacalone Design Services, Inc. will participate in the mediation. Vincent Giacalone who is named as a defendant in the Withdrawal Liability Action and owns an interest in many of the corporate defendants named in both actions will also participate in the mediation. It may be necessary to hold a mediation session in the Withdrawal Liability Action if the parties do not settle on August 8, 2013, since certain defendants have not yet been served or appeared in the Withdrawal Liability Action.¹

¹ As the designated agent for service of process, Vincent Giacalone has not returned an executed Waiver of the 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.

1	7.	Holding one Case M	anagement Conference in both actions will result in judicial	
2	economy and	economy and minimize attorneys' fees and costs for the parties. Further, counsel for Defendant		
3	Giacalone Des	Giacalone Design Services, Inc. will be out of the country on August 9, 2013.		
4	8.	8. Based on the foregoing, the parties hereby stipulate to and request to continue the		
5	Case Manager	Case Management Conference to coincide with the Case Management Conference scheduled in		
6	the Withdrawal Liability Action on August 30, 2013, at 2:30 pm. Withdrawal Liability Action			
7	Docket No. 10.			
8	Date: July 23.	, 2013	SALTZMAN & JOHNSON LAW CORPORATION	
9				
10			By:/s/	
11			Shaamini A. Babu Attorneys for Plaintiffs	
12				
13	Dated: July 23	3, 2013	SWEENEY, MASON, WILSON & BOSOMWORTH	
14			By:/s/	
15			Roger M. Mason Kristen Green	
16			Attorneys for Defendant Gilroy Construction, Inc.	
17	Dated: July 23	3, 2013	CHARLEY M. STOLL, A PROFESSIONAL	
18			CORPORATION	
19			By:/s/	
20			Charley M. Stoll Attorneys for Defendant Giacalone Design	
21			Services, Inc.	
22	<u>ORDER</u>			
23	IT IS SO ORE	DERED.		
24				
25	Based on the foregoing, and good cause appearing, the Case Management Conference is SEPTEMBER 6, 2013 continued to August 30, 2013, at 2:30 p.m.			
26				
27	Date:7/2	5/13	Juran Delaton	
28			THE HONORABLE SUSAN ILLSTON UNITED STATES DISTRICT COURT JUDGE	
	i e			

-3-STIPULATION RE CMC Case No.: C12-6178 SI