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12 UNITED STATES DISTRICT COURT
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 F.G. CROSTHWAITE, et al.,
 15 Plaintiffs,

16 vs.

17 GIACALONE ELECTRICAL SERVICES,
 18 INC., et al.,
 19 Defendants.

Case No.: C12-6178 SI

**STIPULATED REQUEST TO
 CONTINUE CASE MANAGEMENT
 CONFERENCE**

CMC: 3/21/14
 Time: 3:00 pm
 Ctrm: 10 (19th Floor)
 Location: 450 Golden Gate Avenue
 San Francisco, CA
 Judge Honorable Susan Illston

21 PENSION PLAN FOR PENSION TRUST
 22 FUND FOR OPERATING ENGINEERS, et
 al.,

23 Plaintiffs,

24 vs.

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

27 Defendants.

Case No.: CV 13-02338-SI

**STIPULATED REQUEST TO
 CONTINUE CASE MANAGEMENT
 CONFERENCE**

CMC: 3/21/14
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1 In accordance with Rule 16 and 26(f) of the Federal Rules of Civil Procedure, Northern
2 District Local Rule 16-9, Standing Order for All Judges of the Northern District of California, and
3 Honorable Susan Illston’s Case Management Order, the parties hereto submit this Stipulated
4 Request to Continue the Case Management Conference.

5 **Related Actions**

6 1. On June 18, 2013, the Court related *Crosthwaite v. Giacalone Electrical Services,*
7 *Inc., et al.*, Case No. CV12-6178 SI (“Contributions Action”) to *Pension Plan for Pension Trust*
8 *Fund for Operating Engineers, et al., v. Giacalone Electrical Services, Inc., et al.*, Case No.
9 CV13-2338 (“Withdrawal Liability Action”). Docket No. 38.

10 2. In the Contributions Action, Plaintiffs seek delinquent contributions and other
11 related sums in excess of \$850,000 found due to the Operating Engineers Trust Funds (“Trust
12 Funds”) upon audit of the records of Defendant Giacalone Electrical Services, Inc. (“Giacalone
13 Electrical”) for the time period January 1, 2005, through July 24, 2009.

14 3. In the Withdrawal Liability Action, Plaintiffs seek withdrawal liability of
15 \$2,231,762 and other related sums as a result of Defendant Giacalone Electrical’s withdrawal from
16 the Pension Plan for Pension Trust Fund for Operating Engineers (“Plan”).

17 **Defendants**

18 4. Defendant Giacalone Electrical was named in the Contributions Action and the
19 Withdrawal Liability Action, and the Court entered default against said defendant in both actions.
20 Docket Nos. 22 and 33, respectively.

21 5. Defendants Giacalone McDermott Management, LLC, Luchessa Road, LLC,
22 Ronan Avenue Investors, LLC were named only in the Withdrawal Liability Action, and the Court
23 entered default against said defendants. Docket Nos. 22 and 30.

24 6. Defendant Giacalone Design Services, Inc. was only named in the Contributions
25 Action and has been dismissed. Docket No. 54.

26 7. Defendants VLG2, LLC, and Crow Court LLC, were only named in the
27 Withdrawal Liability Action and have been dismissed. Docket No. 39.

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1 8. A mediation was held on December 11, 2013, with court appointed mediator James
2 Fleming. Plaintiffs and Defendants Gilroy Construction, Inc. (“Gilroy”), Vincent Giacalone and
3 Lisa Giacalone participated in the mediation.

4 9. As a result of the mediation Plaintiffs and Defendant Gilroy agreed to a settlement.
5 Docket No. 56. The terms of the settlement solely with Defendant Gilroy have been satisfied in
6 full and a dismissal of Defendant Gilroy pursuant to stipulation is being filed concurrently
7 herewith.

8 10. Defendants Vincent Giacalone and Lisa Giacalone were only named in the
9 Withdrawal Liability Action and are the only remaining Defendants who have appeared in said
10 action.

11 11. In the Stipulated Request to Continue filed on January 1, 2014, it was indicated that
12 Plaintiffs anticipated subpoenaing further documents from Defendants’ accountant and/or taking a
13 deposition in order to facilitate settlement discussions. Since that time Plaintiffs’ auditor has
14 reviewed numerous files provided by Defendants’ accountant and as a result, Plaintiffs have
15 determined that it is necessary to take the deposition of Lisa Burns, bookkeeper for Defendants,
16 and William Finn, accountant for Defendants. Plaintiffs intend to notice these two (2) depositions
17 to take place by June 1, 2014 i.e. one deposition in April and one deposition in May.

18 12. After further settlement negotiations upon completion of any further necessary
19 written discovery and depositions, Plaintiffs and the remaining Defendants will decide if any
20 motion work is required.

21 13. Based on the foregoing, the parties who have appeared in this action and not been
22 defaulted or dismissed hereby request to continue the Case Management Conference to Friday
23 June 27, 2014, at 3:00 p.m.

24 Dated: March 10, 2014

SALTZMAN & JOHNSON LAW CORPORATION

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By: _____/s/
Shaamini A. Babu, Esq.
Attorney for Plaintiffs

1 Dated: March 10, 2014

SWEENEY, MASON, WILSON & BOSOMWORTH

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By: _____ /s/
Roger M. Mason
Attorneys for Defendant Gilroy Construction, Inc.

ORDER

IT IS SO ORDERED.

Based on the foregoing and good cause appearing, the Case Management Conference is continued to Friday June 27, 2014, at 3:00 p.m. The parties who have appeared in this action and not been defaulted or dismissed must file a Case Management Conference Statement by Friday June 20, 2014.

Date: 3/10/14



THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT COURT JUDGE