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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.  
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Case No.: C12-6178 SI  
**STIPULATED REQUEST TO  
 CONTINUE CASE MANAGEMENT  
 CONFERENCE; [~~PROPOSED~~] ORDER**  
 CMC: 6/27/14  
 Time: 3:00 pm  
 Ctrm: 10 (19<sup>th</sup> 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.  
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Case No.: CV 13-02338-SI  
**STIPULATED REQUEST TO  
 CONTINUE CASE MANAGEMENT  
 CONFERENCE; [PROPOSED] ORDER**  
 CMC: 6/27/14  
 Time: 3:00 pm  
 Ctrm: 10 (19<sup>th</sup> Floor)  
 Location: 450 Golden Gate Avenue  
 San Francisco, CA  
 Judge Honorable Susan Illston

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 March 10, 2014, it was indicated that  
12 Plaintiffs would take certain depositions. On May 20, 2014, Plaintiffs took the deposition of  
13 William Finn, accountant for Defendants.

14          12.      On April 21, 2014, Plaintiffs served discovery on Defendants Vincent Giacalone  
15 and Lisa Giacalone and have agreed to an extension until June 23, 2014, for Defendants to respond  
16 to said discovery. Upon review of Defendants’ discovery responses, the parties intend to  
17 participate in further settlement negotiations.

18          13.      In the event settlement negotiations are unsuccessful, Plaintiffs intend to file a  
19 motion for summary judgment and motion for default judgment to be heard by Friday September  
20 19, 2014.

21          14.      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 September 19, 2014, to coincide with the hearing on the motions.

24 Dated: June 6, 2014

SALTZMAN & JOHNSON LAW CORPORATION

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

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1 Dated: June 6, 2014

SWEENEY, MASON, WILSON & BOSOMWORTH

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

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**ORDER**

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IT IS SO ORDERED.

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Based on the foregoing and good cause appearing, the Case Management Conference is continued to Friday September 19, 2014. The parties who have appeared in this action and not been defaulted or dismissed must file a Case Management Conference Statement by Friday September 12, 2014.

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Date: 6/9/14



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THE HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT COURT JUDGE

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