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 9 a California corporation; JIM R. SCIARRONI, Individually
 10 and in his capacity as Trustee of JIM R. and ELAINE
 11 SCIARRONI REVOCABLE LIVING TRUST dated
 12 August 25, 1999, as amended; and ELAINE M. SCIARRONI,
 13 Individually and in the capacity of Trustee of JIM R. & ELAINE
 14 SCIARRONI REVOCABLE LIVING TRUST dated
 15 August 25, 1999, as amended

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA

18 AUTOMOTIVE INDUSTRIES PENSION)
 19 TRUST FUND, JAMES H. BENO, Trustee,)
 20 BILL BRUNELLI, Trustee, STEPHEN J.)
 21 MACK, Trustee, JOSE SANTANA, Trustee,)
 22 DON CROSATTO, Trustee, MARK)
 23 HOLLIBUSH, Trustee, DOUGLAS)
 24 CORNFORD, Trustee, JON ROSSELLE,)
 25 Trustee, and JAMES V. CANTERBURY,)
 26 Trustee,)

27 Plaintiffs,

28 vs.

29 SCIARRONI AUTO BODY, INC., a)
 30 California corporation,)

31 Defendant.

32 SCIARRONI AUTO BODY, INC., a)
 33 California corporation,)

34 Counterclaimant,

35 vs.

36 AUTOMOTIVE INDUSTRIES PENSION)
 37 TRUST FUND; JAMES H. BENO, Trustee;)
 38 BILL BRUNELLI, Trustee; STEPHEN J.)
 39 MACK, Trustee; JOSE SANTANA, Trustee;)
 40 DON CROSATTO, Trustee; MARK)
 41 HOLLIBUSH, Trustee; DOUGLAS)
 42 CORNFORD. Trustee; JON ROSSELLE,)

Case No. CV 13 5208 RS

ACTION FILED: November 8, 2013

**STIPULATION AND ~~PROPOSED~~
 ORDER FOR EXTENSION OF TIME:**

1. COUNTER-DEFENDANTS AND CROSS-DEFENDANTS TO FILE RESPONSIVE PLEADINGS TO COUNTER-CLAIMS AND CROSS-CLAIMS; AND
2. TO PROCEED TO MEDIATION

1 Trustee; and JAMES V. CANTERBURY,
Trustee,

2 Counter-Defendants.

3

SCIARRONI AUTO BODY, INC., a
4 California corporation,

5 Cross-Claimant,

6 vs.

7 INTERNATIONAL ASSOCIATION OF
8 MACHINISTS & AEROSPACE WORKERS,
9 AFL-CIO, MACHINISTS AUTOMOTIVE
10 TRADES DISTRICT LODGE NO. 190;
11 INTERNATIONAL ASSOCIATION OF
12 MACHINISTS & AEROSPACE WORKERS,
13 AFL-CIO, EAST BAY AUTOMOTIVE
MACHINISTS LOCAL LODGE NO. 1546;
14 JAMES H. BENO, Officer; MARK
HOLLIBUSH, Officer; DON CROSATTO,
15 Officer; AUTO, MARINE AND SPECIALTY
16 PAINTERS UNION LOCAL NO. 1176;
17 JOSE SANTANA; and DOES 1-10,

18 Cross-Defendants.

19

AUTOMOTIVE INDUSTRIES PENSION
20 TRUST FUND, JAMES H. BENO, Trustee,
21 BILL BRUNELLI, Trustee, STEPHEN J.
22 MACK, Trustee, JOSE SANTANA, Trustee,
23 DON CROSATTO, Trustee, MARK
24 HOLLIBUSH, Trustee, DOUGLAS
25 CORNFORD, Trustee, JON ROSSELLE,
26 Trustee, and JAMES V. CANTERBURY,
27 Trustee,

28 Plaintiffs,

vs.

SCIARRONI AUTO BODY, INC., a
California corporation, JIM R. SCIARRONI,
Individually and in his capacity as Trustee of
JIM R. and ELAINE SCIARRONI
REVOCABLE LIVING TRUST dated August
25, 1999, as amended, and ELAINE M.
SCIARRONI, Individually and in the capacity
of Trustee of JIM R. & ELAINE SCIARRONI
REVOCABLE LIVING TRUST dated August
25, 1999, as amended; and DOES 1-10,

Defendants.

Case No. CV 13 5210 RS

ACTION FILED: November 8, 2013

1 SCIARRONI AUTO BODY, INC., a)
California corporation; JIM R. SCIARRONI,)
2 Individually and in his capacity as Trustee of)
JIM R. and ELAINE SCIARRONI)
3 REVOCABLE LIVING TRUST dated August)
25, 1999, as amended; and ELAINE M.)
4 SCIARRONI, Individually and in the capacity)
of Trustee of JIM R. & ELAINE SCIARRONI)
5 REVOCABLE LIVING TRUST dated August)
25, 1999, as amended; and DOES 1-10,)

6 Counterclaimants,

7 vs.

8 AUTOMOTIVE INDUSTRIES PENSION)
9 TRUST FUND; JAMES H. BENO, Trustee;)
BILL BRUNELLI, Trustee; STEPHEN J.)
10 MACK, Trustee; JOSE SANTANA, Trustee;)
DON CROSATTO, Trustee; MARK)
11 HOLLIBUSH, Trustee; DOUGLAS)
CORNFORD, Trustee; JON ROSSELLE,)
12 Trustee; and JAMES V. CANTERBURY,)
Trustee,)

13 Counter-Defendants.

14 SCIARRONI AUTO BODY, INC., a)
15 California corporation; JIM R. SCIARRONI,)
Individually and in his capacity as Trustee of)
16 JIM R. and ELAINE SCIARRONI)
REVOCABLE LIVING TRUST dated August)
17 25, 1999, as amended; and ELAINE M.)
SCIARRONI, Individually and in the capacity)
18 of Trustee of JIM R. & ELAINE SCIARRONI)
REVOCABLE LIVING TRUST dated August)
19 25, 1999, as amended)

20 Cross-Claimants,

21 vs.

22 INTERNATIONAL ASSOCIATION OF)
MACHINISTS & AEROSPACE WORKERS,)
23 AFL-CIO, MACHINISTS AUTOMOTIVE)
TRADES DISTRICT LODGE NO. 190;)
24 INTERNATIONAL ASSOCIATION OF)
MACHINISTS & AEROSPACE WORKERS,)
25 AFL-CIO, EAST BAY AUTOMOTIVE)
MACHINISTS LOCAL LODGE NO. 1546;)
26 JAMES H. BENO, Officer; MARK)
HOLLIBUSH, Officer; DON CROSATTO,)
27 Officer; AUTO, MARINE AND SPECIALTY)
PAINTERS UNION LOCAL NO. 1176;)
28 JOSE SANTANA; and DOES 1-10,)

1 Cross-Defendants.)
2)
3)

4 Pursuant to Local Rule 6-1(b) and 6-2 of the Local Rules for the Northern District of
5 California, plaintiffs AUTOMOTIVE INDUSTRIES PENSION TRUST FUND, JAMES H.
6 BENO, Trustee, BILL BRUNELLI, Trustee, STEPHEN J. MACK, Trustee, JOSE SANTANA,
7 Trustee, DON CROSATTO, Trustee, MARK HOLLIBUSH, Trustee, DOUGLAS CORNFORD,
8 Trustee, JON ROSSELLE, Trustee, and JAMES V. CANTERBURY, Trustee (collectively
9 “Plaintiffs”); defendants SCIARRONI AUTO BODY, INC. a California corporation, JIM R.
10 SCIARRONI, Individually and in his capacity as Trustee of JIM R. and ELAINE SCIARRONI
11 REVOCABLE LIVING TRUST dated August 25, 1999, as amended, and ELAINE M.
12 SCIARRONI, Individually and in the capacity of Trustee of JIM R. & ELAINE SCIARRONI
13 REVOCABLE LIVING TRUST dated August 25, 1999, as amended, (collectively,
14 “Defendants”); and Cross-Defendants INTERNATIONAL ASSOCIATION OF MACHINISTS
15 & AEROSPACE WORKERS, AFL-CIO, MACHINISTS AUTOMOTIVE TRADES DISTRICT
16 LODGE NO. 190, INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE
17 WORKERS, AFL-CIO, EAST BAY AUTOMOTIVE MACHINISTS LOCAL LODGE NO.
18 1546, JAMES H. BENO, Officer, MARK HOLLIBUSH, Officer, DON CROSATTO, Officer,
19 AUTO, MARINE AND SPECIALTY PAINTERS UNION LOCAL NO. 1176, and JOSE
20 SANTANA (collectively “Cross-Defendants”), by and through their respective counsel, stipulate
21 as follows:

22 **RECITALS**

23 WHEREAS, Plaintiffs filed two complaints on November 3, 2013, case numbers CV-13-
24 5208-JCS and CV-13-5210-MEJ;

25 WHEREAS, on November 18, 2013, the Court, upon Plaintiffs’ request to relate the
26 complaints, ordered them related and reassigned to Hon. Joseph C. Spero;

27 WHEREAS, on December 3, 2013, Defendants filed a Declination to Proceed Before a
28 Magistrate Judge and Request for Reassignment to a United States District Judge;

1 WHEREAS, on December 5, 2013, the related cases were reassigned to Hon. Richard
2 Seeborg under the case numbers CV 13-05208 RS and CV 13-05210 RS;

3 WHEREAS, as of December 5, 2013, the Case Management Conference was moved from
4 February 7, 2014 to February 13, 2014 as a result of the Order for Reassignment;

5 WHEREAS, on January 7, 2014, pursuant to the Parties' stipulation, the Hon. Richard
6 Seeborg signed the Order that the Parties complete mediation within 90 days or by April 7, 2014;

7 WHEREAS, on January 7, 2014, the Case Management Conference was moved from
8 February 13, 2014 to May 8, 2014;

9 WHEREAS, on January 29 and January 30, 2014, Defendants filed an Answer, Counter-
10 Claim, and Cross-Claim against Plaintiffs and Cross-Defendants;

11 WHEREAS, on January 30, 2014, Defendants filed a First Amended Answer, Counter-
12 Claim, and Cross-Claim against Plaintiffs and Cross-Defendants;

13 WHEREAS, on February 4, 2014, Defendants filed a Second Amended Answer, Counter-
14 Claim, and Cross-Claim against Plaintiffs and Cross-Defendants;

15 WHEREAS, to allow the Parties to proceed to mediation, the Parties agree to extend the
16 deadline for Counter-Defendants and Cross-Defendants to file responsive pleadings, to and until
17 after completion of said mediation;

18 WHEREAS, the Parties request an extension of time within which to complete the
19 mediation;

20 WHEREAS, the Parties request that the Court continue the Case Management Conference,
21 currently set for May 8, 2014, to and until a later date as is convenient with the Court;

22 WHEREAS, the Parties agree to advise the Court of the results of mediation to allow the
23 Court to set a Case Management Conference, if needed;

24 WHEREAS, any non-settling Counter-Defendants and/or Cross-Defendants, in whole or in
25 part, will file a response, if not yet filed, to the Counter-Complaints and Cross-Complaints within
26 twenty-one (21) days after completion of the mediation;

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28 ///

STIPULATION

IT IS HEREBY STIPULATED as follows:

1. To allow the Parties to proceed to mediation, the Parties agree to extend the deadline for Counter-Defendants and Cross-Defendants to file responsive pleadings to and until after completion of said mediation;
2. The Parties agree to complete mediation within 90 days of date of the entry of the Order on this Stipulation;
3. The Parties request that the Court continue the Case Management Conference, currently set for May 8, 2014, to and until a later date as is convenient with the Court;
4. The Parties agree to advise the Court of the results of mediation, to allow the Court to set a Case Management Conference, if needed;

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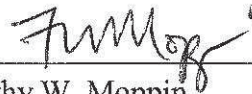
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1 5. Any non-settling Counter-Defendants and/or Cross-Defendants, in whole or in part,
2 will file a response, if not yet filed, to the complaints within twenty-one (21) days
3 after completion of the mediation.
4

5 It is so stipulated.

6 DATED: 2/24/14

KAUFMAN DOLOWICH & VOLUCK, LLP

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9 Timothy W. Moppin
10 Hsiao C. (Mark) Mao
11 Attorneys for SCIARRONI AUTO BODY, INC.
12 a California corporation; JIM R. SCIARRONI,
13 Individually and in his capacity as Trustee of JIM
14 R. and ELAINE SCIARRONI REVOCABLE
15 LIVING TRUST dated August 25, 1999, as
16 amended; and ELAINE M. SCIARRONI,
17 Individually and in the capacity of Trustee of JIM
18 R. & ELAINE SCIARRONI REVOCABLE
19 LIVING TRUST dated August 25, 1999, as
20 amended

17 DATED: 2/24/14

**SALTZMAN & JOHNSON LAW
CORPORATION**

20 /s/ Kimberly A. Hancock

21 Kimberly A. Hancock
22 Attorney for Plaintiffs/Counter-Defendants

23 DATED: 2/24/14

WEINBERG, ROGER & ROSENFELD

26 /s/ Caren Sencer

27 Caren Sencer
28 Attorney for Cross-Defendants

ORDER

Pursuant to the above Stipulation, IT IS HEREBY ORDERED as follows:

1. That the Parties' time within which to complete the court-sponsored mediation is extended until 90 days of the date of entry of this order;
2. That any non-settling Counter-Defendants and/or Cross-Defendants shall file responsive pleadings within twenty-one (21) days after the completion of court-sponsored mediation;
3. The Case Management Conference date is continued from May 8, 2014 to a later date as is convenient with the Court, and the Parties will advise the Court of the results of the court-sponsored mediation so as allow the Court to set a new date for Case Management Conference, if necessary.

IT IS SO ORDERED.

Dated: 2/25/14



Hon. Richard Seeborg