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17 Attorneys for Defendant

18 UNITED STATES DISTRICT COURT
 19 FOR THE NORTHERN DISTRICT OF CALIFORNIA

20 CALIFORNIA SERVICE EMPLOYEES
 21 HEALTH & WELFARE TRUST FUND,
 22 DAVID HUERTAS, Trustee, CHARLES
 23 GILCHRIST, Trustee, DAVID STILWELL,
 24 Trustee, RAYMOND C. NANN, Trustee, and
 25 LARRY T. SMITH, Trustee,

26 Plaintiffs,

27 vs.

28 GATEWAY FRONTLINE SERVICES, INC.,
 doing business as GATEWAY GROUP ONE, a
 New Jersey corporation,

Defendant.

Case No. CV 15-00973-WHO

**STIPULATION AND JOINT REQUEST
 TO MODIFY PRETRIAL AND TRIAL
 DATES;
 ORDER**

**Complaint Filed: March 2, 2015
 Trial Date: May 30, 2017**

**STIP. AND JOINT REQUEST TO MODIFY PRETRIAL AND TRIAL DATES;
 ORDER; Case No. CV 15-00973-WHO**

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The parties to this action, by and through their respective counsel, stipulate and jointly request that the impending pretrial and trial dates be continued for approximately 120 days as set forth below. Good cause exists for the granting of the continuance, as follows:

- 1. Plaintiffs filed their complaint on March 2, 2015 (Docket No. 1).
- 2. On September 28, 2015, the parties attended a mediation session through the Court sponsored ADR program. The parties reached a tentative settlement, the effectiveness of which was conditioned on events in which the Plaintiff Trust Fund is not involved. The tentative settlement was conditioned on an agreement between Defendant Gateway and Service Employees International Union-United Service Workers West (“the Union”) to amend the collective bargaining agreement between them pursuant to which the Plaintiff Trust Fund seeks to recover delinquent contributions under ERISA.

3. By its Civil Pretrial Order entered on November 30, 2015 (Dkt #32), the Court set the following schedule for the case:

Fact discovery cutoff:	September 30, 2016
Expert disclosure:	September 30, 2016
Expert rebuttal:	November 1, 2016
Expert discovery cutoff:	December 1, 2016
Dispositive Motions heard by:	November 16, 2016
Pretrial Conference:	January 9, 2017, 2:00 p.m.
Bench trial:	January 30, 2017, 8:00 a.m.

4. By its Civil Pretrial Order entered on September 7, 2016 (Dkt #38), the Court granted the parties request for a 120 day extension, setting a new pretrial schedule as follows:

Expert disclosure:	January 27, 2017
Expert rebuttal:	March 1, 2017
Expert discovery cutoff:	March 31, 2017
Dispositive Motions heard by:	March 15, 2017
Pretrial Conference:	May 9, 2017, 2:00 p.m.
Bench trial:	May 30, 2017, 8:00 a.m.

5. By Order Setting Settlement Conference entered on September 13, 2016 (Dkt. #39), the settlement judge set the settlement conference for April 19, 2017.

STIP. AND JOINT REQUEST TO MODIFY PRETRIAL AND TRIAL DATES; ORDER; Case No. CV 15-00973-WHO

1 6. The parties have completed discovery and again seek to resolve the matter by
2 settlement. Unlike with previous settlement attempts, Defendant Gateway has obtained a
3 “disclaimer of interest” from United Service Workers Union Local 74, the previous absence of
4 which made it impossible for Defendant Gateway to negotiate an agreement with the Union that
5 could resolve a substantial part of the Plaintiffs’ claim against Gateway in this case.

6 7. Gateway and the Union are again engaged in negotiations which should result in an
7 amendment of the collective bargaining agreement under which the Plaintiffs claim that Gateway
8 owes delinquent contributions. In light of the changed circumstance of Local 74’s disclaimer of
9 interest, and the parties’ interest in resolving this matter without the incurring unnecessary
10 expenses, the parties hereby stipulate and jointly request, that the Court order as follows:

- 11 a. That the settlement conference scheduled for April 19, 2017, remain on calendar.
- 12 b. That hearing date for dispositive motions of March 15, 2017, be continued to
13 July 5, 2017.
- 14 c. That the pretrial conference scheduled for May 9, 2017, 2:00 p.m., be continued
15 to August 29, 2017, at 2:00 p.m.
- 16 d. That the bench trial scheduled for May 30, 2017, 8:00 a.m., be continued to
17 September 20, 2017, at 8:00 a.m. (estimated three days)

18 SO STIPULATED.

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1 Dated: March 17, 2017

/s/ Anne M. Bevington
ANNE M. BEVINGTON
Saltzman & Johnson Law Corporation
Attorneys for Plaintiffs

4 Dated: March 17, 2017

/s/ Daniel A. Adlong
Daniel A. Adlong
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Attorneys for Defendants

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11 CERTIFICATION RE SIGNATURES

12 I attest that concurrence in the filing of this stipulation has been obtained from Daniel A.
13 Adlong.

14 Dated: March 17, 2017

/s/ Anne M. Bevington
Anne M. Bevington
Saltzman & Johnson Law Corporation
Attorneys for Plaintiff

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ORDER

18 Based on the foregoing, and good cause appearing, IT IS HEREBY ORDRED that the
19 pretrial and trial dates be modified as follows:

- 20 1. The settlement conference scheduled for April 19, 2017, remains on calendar.
- 21 2. The dispositive motion hearing date of March 15, 2017, is continued to July 5, 2017.
- 22 3. The pretrial conference scheduled for May 9, 2017, 2:00 p.m., is continued to August
- 23 28, 2017, at 2:00 p.m.
- 24 4. The bench trial scheduled for May 30, 2017, 8:00 a.m., is continued to September 20,
- 25 2017, at 8:00 a.m.

26 IT IS SO ORDERED.

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Date: March 22, 2017



THE HONORABLE WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE