

McCRACKEN, STEMERMAN, HOLSBERRY, LLP

John J. Davis, Jr., SBN 65594 *jjdavis@msh.law*
David L. Barber, SBN 294450 *dbarber@msh.law*
595 Market Street, Suite 800
San Francisco, CA 94105
Telephone: 415-597-7200
Fax: 415-597-7201

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED ASSOCIATION OF JOURNEYMAN) Case No. 17-CV-3037 RS
AND APPRENTICES OF THE PLUMBING)
AND PIPE FITTING INDUSTRY,)
UNDERGROUND UTILITY/LANDSCAPE) **STIPULATION AND ~~PROPOSED~~**
LOCAL UNION NO. 355; MIGUEL INIGUEZ) **ORDER FOR EXTENSION OF TIME TO**
and FELIPE HERNANDEZ, as Local 355) **FILE OPPOSITION AND REPLY BRIEFS**
Trustees; FRANCISCO CRUZ ORTIZ and) **TO NORTHERN CALIFORNIA**
ALEJANDRO TREJO,) **DISTRICT COUNCIL OF LABORERS'**
Plaintiffs,) **MOTION TO DISMISS**

v.

MANIGLIA LANDSCAPE, INC.; COHEN)
LANDSCAPE SERVICES, INC.; LANDSCAPE) Date: March 15, 2108
CONTRACTORS COUNCIL OF NORTHERN)
CALIFORNIA; BARRY L. COHEN; LINDA G.) Time: 1:30 p.m.
ROSSMAN; OSCAR DE LA TORRE, DOYLE)
RADFORD, DAVID GORGAS, BRUCE RUST,) Courtroom: No. 3, 17th Floor
FERNANDO ESTRADA, BYRON LONEY,)
ROBERT CHRISP, BILL KOPONEN, LARRY) Judge: Hon. Richard Seeborg
NIBBI AND MANUEL DE SANTIAGO, AS)
TRUSTEES OF THE LABORERS TRUST)
FUNDS FOR NORTHERN CALIFORNIA;)
NORTHERN CALIFORNIA DISTRICT)
COUNCIL OF LABORERS; AND DOES 1)
THROUGH 50,)
Defendants.)

1 WHEREAS, the parties to this stipulation are Plaintiffs United Association of Journeymen
2 and Apprentices of the Plumbing and Pipe Fitting Industry, Underground Utility/Landscape Local
3 Union No. 355 (“Local 355” or “Plaintiffs”) and Defendant Northern California District Council
4 of Laborers (“NCDCL”);

5 WHEREAS on January 26, 2018, Defendant NCDCL filed and served a Motion to
6 Dismiss;

7 WHEREAS the Court has scheduled the hearing on the motion for March 15, 2018;

8 WHEREAS under Local Rule 7-3, Plaintiffs’ opposition to the motion is presently due on
9 February 9, 2018, and Defendant NCDCL’s reply is due on February 16, 2018; and

10 WHEREAS counsel for Plaintiffs has requested and counsel for Defendant NCDCL has
11 agreed to extend the time for filing both the opposition and the reply;

12 THEREFORE Plaintiffs and Defendant NCDCL hereby stipulate and agree, subject to
13 Court approval, as follows:

14
15 **STIPULATION**

- 16 1. Plaintiffs’ opposition to the NCDCL Motion to Dismiss will be due on February 16, 2018.
17 2. Defendant NCDCL’s reply, if any, will due on February 28, 2018.
18 3. The reason for the extension is that Plaintiffs require additional time to brief the issues.
19 4. The date and time for the hearing, as set by the Court, shall remain unchanged: 1:30 p.m.
20 on March 15, 2018.
21 5. No other time modifications have been requested or granted with respect to this motion.
22 A previous stipulated order changed the briefing schedule for two other motions to dismiss, filed
23 by Defendants Rossman and Cohen, but did not affect the hearing schedule.
24 6. The requested modification would not affect the hearing date or any other deadlines in this
25 case.

26 ////

27 ///

28 //

1 7. All affected parties agree to the stipulation as indicated by their signatures below.

2
3 Dated: February 6, 2018

McCRACKEN, STEMERMAN & HOLSBERRY

4
5 By: /s/ John J. Davis, Jr. _____

6 John J. Davis, Jr., *Attorney for Plaintiffs*

7
8 Dated: February 6, 2018

WEINBERG, ROGER & ROSENFELD

9 By: /s/ Conchita Lozano-Batista _____

10 Conchita Lozano-Batista, *Attorney for Defendant*

11
12
13 **ORDER**

14 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

15
16
17 DATED: 2/6/18



18 THE HONORABLE RICHARD SEEBORG
19 United States District Judge

20
21 **Attestation**

22 Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing
23 of this document has been obtained from the other signatories.

24
25 By: /s/ John J. Davis, Jr. _____

26 John J. Davis, Jr.