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7 California

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

10 BOARD OF TRUSTEES OF THE
11 LABORERS PENSION TRUST FUND FOR
NORTHERN CALIFORNIA,

12 Plaintiff,

13 vs.

14 DOROTHY BISCOE, an individual,

15 Defendant.
16

Case No.: C 09 3442 SBA

**REQUEST TO STAY CASE FOR 60
DAYS; ORDER THEREON**

17 Plaintiff Board of Trustees of the Laborers Pension Trust Fund for Northern California
18 (“Trust Fund”) hereby requests that this matter be stayed for a period of 60 days based on the
19 following:

20 1. The Plaintiff Trust Fund filed a Complaint with this court on July 27, 2009
21 seeking to recover pension benefits improperly retained by Defendant Dorothy Biscoe
22 (“Biscoe”).

23 2. The Plaintiff Trust Fund attempted service of the Complaint on Defendant
24 Biscoe, but was unsuccessful because Defendant no longer resided at the address contained in
25 the records of the Trust Fund.

26 3. By letter dated July 29, 2009, counsel for the Plaintiff Trust Fund contacted
27 Defendant Biscoe which prompted a response from Defendant Biscoe indicating a willingness
28 to repay the Trust Fund. Plaintiff Trust Fund and Defendant Biscoe entered into a tentative

1 settlement agreement. Plaintiff Trust Fund is attempting to secure Defendant's execution of the
2 settlement agreement. To date, Defendant Biscoe has made payments pursuant to the tentative
3 settlement.

4 4. Since Defendant Biscoe has not yet been served and the parties are currently
5 involved in settlement negotiations which appear to be working, Plaintiff is requesting that the
6 Court stay this matter for a period of 60 days. If after 60 days a formal settlement agreement
7 has been reached, Plaintiff will file a dismissal of this action. If the parties fail to reach a
8 settlement, Plaintiff will then proceed with this action by serving Defendant Biscoe.

9 DATED: September 28, 2009

10 BULLIVANT HOUSER BAILEY PC

11
12 By _____ /s/
13 Susan J. Olson
14 Ronald L. Richman

15 Attorneys for Plaintiff Board of Trustees of the
16 Laborers Pension Trust Fund for Northern
17 California

18 **ORDER**

19 The Plaintiff having submitted this Request To Stay Case for 60 days and good cause
20 appearing:

21 IT IS HEREBY ORDERED that this case is stayed for 60 days and that dates set forth in
22 this Court's Order Setting Initial Case Management Conference and ADR Guidelines be
23 vacated, as well. At the conclusion of the 60 days, the Plaintiff will either dismiss this action or
24 serve the Complaint on the Defendant, depending on the outcome of the settlement negotiations.

25 IT IS FURTHER ORDERED THAT the Case Management Conference currently
26 scheduled for November 19, 2009 at 3:15 p.m. shall be CONTINUED to **January 27, 2009 at**
27 **2:30 p.m.** The parties shall **meet and confer** prior to the conference and shall prepare a joint
28 Case Management Conference Statement which shall be filed no later than ten (10) days prior to
the Case Management Conference that complies with the Standing Order for All Judges of the
Northern District of California and the Standing Order of this Court. Plaintiff shall be

1 responsible for filing the statement as well as for arranging the conference call. All parties shall
2 be on the line and shall call (510) 637-3559 at the above indicated date and time.

3 IT IS SO ORDERED.

4 DATED: September 29, 2009

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6 By 
7 SAUNDRA BROWN ARMSTRONG
8 United States District Judge
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