

1 BARRY E. HINKLE, Bar No. 071223
 PATRICIA A. DAVIS, Bar No. 179074
 2 EZEKIEL D. CARDER, Bar No. 206537
 YURI Y. GOTTESMAN, Bar No. 264924
 3 WEINBERG, ROGER & ROSENFELD
 A Professional Corporation
 4 1001 Marina Village Parkway, Suite 200
 Alameda, CA 94501-1091
 5 Telephone (510) 337-1001
 Facsimile (510) 337-1023

6 Attorneys for Plaintiffs

7
 8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

11 THE BOARD OF TRUSTEES, in their) No. CV 10-3839 SBA
 12 capacities as Trustees of the LABORERS)
 HEALTH AND WELFARE TRUST FUND)
 13 FOR NORTHERN CALIFORNIA; LABORERS) **STIPULATION TO CONTINUE**
 VACATION-HOLIDAY TRUST FUND FOR) **ORDER DISMISSING ACTION FOR**
 14 NORTHERN CALIFORNIA; LABORERS) **SIXTY (60) DAYS, OR IN THE**
 PENSION TRUST FUND FOR NORTHERN) **ALTERNATIVE, PLAINTIFFS’**
 15 CALIFORNIA; and LABORERS TRAINING) **REQUEST TO REOPEN CASE;**
 AND RETRAINING TRUST FUND FOR) **ORDER**
 16 NORTHERN CALIFORNIA,)
)
 17 Plaintiffs,)
)
 18 v.)
)
 19 BUENA VISTA GRADING & PAVING, INC.,)
 a California Corporation,)
 20)
 Defendant.)
 21)

22 The parties in the above-referenced case reached a tentative settlement in September 2011,
 23 and since that time, the parties have been working to complete the audit of Defendant’s books and
 24 records and finalize the necessary settlement documents. The parties, however, are still in the
 25 process of finalizing the settlement documents and need additional time to do so. Thus, the parties,
 26 by and through their respective counsel of record, hereby stipulate and request that the Court
 27 extend its Order Dismissing Action for an additional sixty (60) days. A copy of said Order, signed

1 October 18, 2011, is attached hereto as Exhibit A.

2 The parties further stipulate and request that said dismissal provide: (a) that if either party
3 certifies with the Court within sixty (60) days that resolution has not in fact occurred, this matter
4 may be restored to the Court's calendar and set for trial; and (b) that the parties will have until
5 January 30, 2012, to reopen the case if a resolution has not in fact occurred.

6 If the Court denies the parties request to extend the conditional dismissal for a period of
7 sixty (60) days, Plaintiffs, by and through their counsel of record, hereby request that the Court
8 reopen the above-referenced case. Plaintiffs request that the case be reopened as they have not
9 received the necessary settlement documentation pursuant to the tentative settlement reached by
10 the parties in the above-referenced case, and as a result the case has not been resolved.

11 Dated: December 1, 2011

12 WEINBERG, ROGER & ROSENFELD
13 A Professional Corporation

14 By: /s/ Ezekiel D. Carder
15 EZEKIEL D. CARDER
Attorneys for Plaintiffs

16 Dated: December 1, 2011

17 JOSEPH W. McCARTHY, A LAW CORPORATION

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19 By: /s/ Joseph W. McCarthy
20 JOSEPH W. McCARTHY
Attorneys for Defendant

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ORDER

Pursuant to the Stipulation of the Parties, and for good cause showing, the Order Dismissing Action filed on October 18, 2011, is hereby continued for sixty (60) days. IT IS HEREBY ORDRED THAT this action and all claims asserted herein are DISMISSED with prejudice. In the event that settlement is not reached, any party may move to reopen the case and the trial will be rescheduled, provided that such motion is filed within sixty (60) days of this Order. All scheduled dates, including the trial and pretrial dates, are VACATED.

Dated: __12/6/11


The Honorable Sandra Brown Armstrong,
United States District Court Judge

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