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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

OPERATING ENGINEERS' PENSION TRUST FUND, et al.,	Case No.: CV 10-04460 PJH
Plaintiffs,	**STIPULATION AND [PROPOSED ORDER] TO EXTEND TIME FOR DEAN RUBIN, THE RUBIN FAMILY IRREVOCABLE TRUST, AND DEAN MCLAIN TO RESPOND TO SECOND AMENDED COMPLAINT**
vs.	
WESTERN POWER & EQUIPMENT CORP, et al.,	
Defendants.	Complaint Filed: 10/1/10 FAC Filed: 11/12/10 SAC Filed: 3/16/11 Judge: Honorable Phyllis J. Hamilton

Pursuant to FED. R. CIV. P. RULE 6(b) and CIV. L.R. 6.1, Plaintiffs Operating Engineers'
Pension Trust Fund, F.G. Crosthwaite, and Russell E. Burns ("Plaintiffs") and Defendants Dean
Rubin, the Rubin Family Irrevocable Trust, and Dean McLain ("Stipulating Defendants"), by and
through the undersigned counsel, hereby stipulate as follows:

1.   The instant action is a complex action arising under the Employee Retirement
Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. § 1001 *et seq.* Plaintiffs have
named nine Defendants, and are seeking, among other things, money damages, liquidated
damages, injunctive relief, and attorneys' fees and costs.

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1   2.   Pursuant to the Court's February 16, 2011 Minute Order, the Second Amended

2   Complaint was filed on March 16, 2011; and, pursuant to the Stipulation Regarding Case

3   Management Conference and Related Deadlines, and the Court's March 24, 2011 Order, Plaintiffs

4   agreed to an extension until May 6, 2011, for Stipulating Defendants to file an answer or

5   responsive pleading to the Second Amended Complaint.

6   3.   Since that time, Plaintiffs and Stipulating Defendants (collectively, "the Parties")

7   have been exploring and continue to explore resolution of this matter. Accordingly, the Parties

8   request a further extension of time up through and including May 26, 2011, for Stipulating

9   Defendants to respond to the Second Amended Complaint.

10   4.   The Parties believe that a further extension of the deadline to respond under the

11   circumstances here promotes the interest of judicial economy and will help effectuate a just,

12   speedy, and inexpensive determination of this action. *See* FED. R. CIV. P. 1.

13   5.   The requested extension will not materially delay the disposition of this action, as

14   the Second Amended was only recently filed on March 16, 2011, and the initial Case Management

15   Conference has been reset for June 2, 2011.

16   6.   Therefore, the Parties hereby stipulate that Stipulating Defendants shall have until

17   Thursday, May 26, 2011 to respond to the Second Amended Complaint.

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19   Dated: SALTZMAN & JOHNSON
                                                   LAW CORPORATION
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22   By: _____/s/_____
                                                   Shaamini A. Babu
                                                   Counsel for Plaintiffs
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24   Dated: TRAVIS & PON

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26   By: _____/s/_____
                                                   Monte Travis
                                                   Counsel for Defendants Dean McLain, Robert Rubin,
27   and Rubin Family Irrevocable Trust

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                                                   STIPULATION AND [PROPOSED ORDER]
                                                   TO EXTEND TIME TO RESPOND
                                                   CV 10-04460 PJH

ORDER

Based on the foregoing Stipulation of the parties, the deadlines currently pending in this action are extended as specified above.

IT IS SO ORDERED.

Dated: _____5/10/11_____

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Unit

IT IS SO ORDERED

Judge Phyllis J. Hamilton

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

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STIPULATION AND [PROPOSED ORDER]
TO EXTEND TIME TO RESPOND
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