

1 RICHARD C. JOHNSON (SBN 40881)
 SHAAMINI A. BABU (SBN 230704)
 2 JULIE A. OSTIL (SBN 215202)
 SALTZMAN & JOHNSON LAW CORPORATION
 3 44 Montgomery Street, Suite 2110
 San Francisco, CA 94104
 4 (415) 882-7900
 (415) 882-9287 – Facsimile
 5 djohnson@sjlawcorp.com
 sbabu@sjlawcorp.com
 6 jostil@sjlawcorp.com

7 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 PENSION TRUST FUND FOR OPERATING
 ENGINEERS; F.G. CROSTHWAITE and
 11 RUSSELL E. BURNS, as Trustees,

12 Plaintiffs,

13 vs.

14 D P CRUSHING, INC., aka DP CRUSHING,
 INC., a California Corporation; and DAVID
 15 ARTHUR PILE, Individually, and dba D P
 CONSTRUCTION, a Sole Proprietorship, and
 16 DOES 1-20,

17 Defendants.

Case No.: C 12-03306 DMR

**STIPULATION FOR EXTENSION OF
 TIME TO RESPOND TO COMPLAINT;
 REQUEST TO CONTINUE CASE
 MANAGEMENT CONFERENCE AND
 18 [PROPOSED] ORDER**

Complaint Filed: 6/27/12
 Judge: Magistrate Judge Donna M. Ryu

19 Pursuant to FED. R. CIV. P. RULE 6(b) and CIV. L.R. 6.1, Plaintiffs Pension Plan for
 Pension Trust Fund for Operating Engineers, F.G. Crosthwaite, and Russell E. Burns
 20 (“Plaintiffs”), and Defendants DP Crushing, Inc, aka DP Crushing, Inc., a California corporation;
 and David Arthur Pile, individually, and dba D P Construction, a sole proprietorship
 21 (“Defendants”) hereby stipulate as follows:

22 1. The instant action arises under the Employee Retirement Income Security Act of
 23 1974, as amended (“ERISA”), 29 U.S.C. § 1001 *et seq.* Plaintiffs are seeking, among other things,
 24 money damages, liquidated damages, injunctive relief, and attorneys’ fees and costs.
 25

26 2. A Complaint was filed in this matter on June 27, 2012, to recover withdrawal
 27 liability allegedly owed by Defendants, pursuant to the Employee Retirement Income Security Act
 28

1 of 1974 (ERISA) as amended by the Multi-Employer Pension Plan Amendments Act of 1980
2 (MPPAA).

3 3. Service of the Summons and Complaint on Defendants was effectuated on June 29,
4 2012. Proofs of Services of Summons were filed with the Court on July 16, 2012. (Docket No. 7)

5 4. In the interest of minimizing costs as well as the Court's time and resources, the
6 defendants have provided documentation that may lead to resolution of the action, or portions
7 thereof, without the need for litigation, and plaintiffs need further time to analyze the documents.
8 Accordingly, the parties hereby request and stipulate that the Defendants shall have until October
9 30, 2012, to respond to the Complaint.

10 5. The requested extension will modify the Court's Order docketed on June 27, 2012.
11 (Docket No. 3) The parties respectfully request that the Case Management Conference currently
12 scheduled for September 26, 2012, and all of its associated deadlines, be continued for 60 days to
13 allow sufficient time for plaintiffs to review defendants' documentation and request any further
14 information and/or documentation necessary. By allowing sufficient time to complete the review,
15 the parties intend to attempt to resolve the litigation in whole or in part. If such resolution is not
16 possible, defendants will then to respond to the Complaint, and the parties will hold the required
17 "meet and confer" and ADR telephone conference, and prepare a CMC Statement in advance of
18 the Case Management Conference.

19 6. Based on the foregoing, the parties hereby stipulate to the extension of deadlines
20 and respectfully request the Court to extend the deadlines as follows:

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 ///

2	Prior Date	New Date	Event	Governing Rule
3	9/5/12	11/14/12	Last day to:	
4	(Dkt # 3)		<ul style="list-style-type: none"> • meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan • file ADR Certification signed by parties and counsel • file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference 	F.R.Civ.P. 26(f) ADR L.R. 3.5 L.R.3-5 Civil L.R. 16-8 (b) ADR L.R. 3-5(b) Civil L.R. 16-8 (c) ADR L.R. 3-5(b)-(c)
9	9/19/12	11/28/12	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement	F.R.Civ.P. 26(a) (1) Civil L.R . 16-9
12	9/26/12	12/5/12	Initial Case Management Conference	Civil L.R . 16-10
13	at 1:30 pm	at 1:30 pm		
14				
15	(Dkt #3)			

16 7. The parties believe that an extension of the deadlines promotes judicial economy
17 and will help effectuate a just, speedy, and inexpensive determination of this action. *See* FED. R.
18 Civ. P. 1.

19 Dated: August 31, 2012 SALTZMAN & JOHNSON LAW CORPORATION

21 By: /s/ Julie A. Ostil
22 Julie A. Ostil
23 Counsel for Plaintiffs

24 Dated: September 10, 2012 MAGARIAN LAW LLP

25 By: /s/ Krista L. DiMercurio
26 Krista L. DiMercurio, Attorney at Law
27 Defendants DP Crushing, Inc, aka DP Crushing, Inc.,
28 a California corporation; and David Arthur Pile,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Individually, and dba D P Construction, a sole proprietorship

ORDER

Based on the foregoing Stipulation of the parties, IT IS HEREBY ORDERED that Defendant has until October 30, 2012 to file a response to the Complaint. The currently set Case Management Conference is hereby continued to December 5, 2012 at 1:30 pm. All related deadlines are extended as specified above.

Dated: Sept. 14, 2012

~~DONNA M. RYU~~
United States Magistrate Judge

