

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**TRUSTEES OF THE U.A. LOCAL 38 DEFINED  
BENEFIT PENSION PLAN,**

Plaintiff,

vs.

**TRUSTEES OF THE PLUMBERS AND PIPE  
FITTERS NATIONAL PENSION FUND,**

Defendant.

Case No.: 15-cv-04703-YGR

**ORDER TO SHOW CAUSE REGARDING STAY  
PENDING APPEAL IN RELATED ACTION**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

The parties are hereby **ORDERED TO SHOW CAUSE** why this case should not be stayed pending resolution of Appeal No. 14-16543 currently pending in the United States Court of Appeals for the Ninth Circuit (the "Ninth Circuit Appeal"). The Ninth Circuit Appeal seeks review of this Court's decision in a case related to the instant case, Case No. 4:13-cv-05528-YGR. The parties agree that two issues raised in the instant petition to vacate (Dkt. No. 1) are the same issues being considered in the Ninth Circuit Appeal (*see* Dkt. No. 7 at 2; Dkt. No. 11 at 2) and potentially dispositive. The Court is therefore inclined to stay this case pending resolution of the Ninth Circuit Appeal.

A hearing on this Order to Show Cause shall be held on **Friday, December 18, 2015 at 9:01 a.m.** in the Federal Courthouse, 1301 Clay Street, Oakland, California, Courtroom 1. By December 11, 2015, the parties shall file a JOINT STATEMENT on their respective positions regarding a stay. The parties shall exchange, but not file, their initial positions prior to filing the joint statement. If the parties timely file a joint statement, the hearing may be taken off calendar. Failure to file a joint statement timely may result in sanctions.

**IT IS SO ORDERED.**

Dated: November 19, 2015

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE