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13 UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 OPERATING ENGINEERS' HEALTH AND
 WELFARE TRUST FUND FOR
 17 NORTHERN CALIFORNIA, et al.,
 18 Plaintiffs,
 19 v.
 20 CENTRAL VALLEY CONSTRUCTION, a
 California corporation;
 21
 22 Defendant.

Case No.: 17-cv-02365-KAW

**STIPULATION TO CONTINUE
 MEDIATION DEADLINE; [PROPOSED]
 ORDER THEREON AS MODIFIED**

Magistrate Judge: Kandis A. Westmore

23
 24 The parties in the above-titled action hereby stipulate and respectfully request that the
 25 mediation deadline, currently scheduled for October 11, 2017, be continued for approximately
 26 ninety to one-hundred and twenty (90-120) days. Good cause exists for the granting of a
 27 continuance, as follows:
 28

1 1. As the Court’s records will reflect, on July 12, 2017, the parties in this matter filed
2 a Stipulation agreeing to participate in mediation (Dkt. #13).

3 2. On July 17, 2017, the Court issued an Order (“Order”) referring this matter to
4 mediation (Dkt. #14). Pursuant to the Order, the deadline for the parties to complete mediation is
5 October 11, 2017.

6 3. On August 15, 2017, the Court issued a Notice appointing Geoffrey White as
7 mediator (Dkt. #17).

8 4. On August 28, 2017, the parties participated in a pre-mediation conference call
9 with Mr. White whereby the participants concluded that a mediation date would be set after the
10 parties had a further opportunity to meet and confer.

11 5. The parties’ efforts have thus far been successful as Defendant has contacted
12 Plaintiffs’ auditors and scheduled an audit appointment for October 26, 2017.

13 6. If the audit does not go forward, the parties will likely need to enlist the help of the
14 mediator in order to resolve any disputes. Mr. White has volunteered his services, in the context of
15 the court-appointed mediation, as a discovery referee.

16 7. If the audit does go forward on October 26, 2017 as scheduled, the auditors
17 thereafter will need additional time to review the information and generate their report.

18 8. Accordingly, there is nothing to mediate at the current time and the parties
19 therefore request an extension of the mediation deadline to resolve this matter.

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1 9. Therefore, the parties hereby stipulate and respectfully request that the mediation
2 deadline, currently set for October 11, 2017, be continued for approximately ninety to one-
3 hundred and twenty (90-120) days to allow the audit to go forward and be completed prior to
4 mediating the case.

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6 Dated: September 27, 2017

SALTZMAN & JOHNSON LAW CORPORATION

7
8 By: _____/S/
George R. Nemiroff, Esq.
9 Attorneys for Plaintiffs Health and
Welfare Trust Fund for Northern California et. al

10 Dated: September 27, 2017

11
12 By: _____/S/
13 David Johnston, Esq.
14 Attorney for Defendants Central Valley
Construction

15 IT IS SO ORDERED.

16 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set mediation
17 deadline is hereby continued to 2/9/18, and all related deadlines are extended
accordingly. The case management conference scheduled for 10/17/17 is continued to 3/6/18.

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19 Date: 9/29/17



20 JUDGE KANDIS A. WESTMORE
21 UNITED STATES DISTRICT COURT
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ATTESTATION CERTIFICATE

In accord with the Northern District of California’s Civil Local Rule 5-1, I attest that concurrence in the filing of this document has been obtained from each of the other signatories who are listed on the signature page.

Dated: September 27, 2017

By: _____/S/
George R. Nemiroff, Esq.
Attorneys for Plaintiffs