

1 Michele R. Stafford, Esq. (SBN 172509)
 George R. Nemiroff (SBN 262058)
 2 SALTZMAN & JOHNSON LAW CORPORATION
 44 Montgomery Street, Suite 2110
 3 San Francisco, California 94104
 Telephone: (415) 882-7900
 4 Facsimile: (415) 882-9287
 Email: mstafford@sjlawcorp.com
 5 Email: gnemiroff@sjlawcorp.com

6 Attorneys for Plaintiffs, Operating Engineers' Health
 and Welfare Trust Fund For Northern California, et al.,
 7

8 David Johnston (SBN 71367)
 Attorney at Law
 1600 G Street, Suite 102
 9 Modesto, California 95354
 Telephone: (209) 579-1150
 10 Facsimile: (209) 579-9420
 Email: david@johnstonbusinesslaw.com

11 Attorneys for Defendant Central Valley Construction

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

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

Case No.: 17-cv-02365-KAW

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

Magistrate Judge: Kandis A. Westmore

22 The parties in the above-titled action hereby stipulate and respectfully request that the
 23 mediation deadline, currently scheduled for February 9, 2018, be continued for approximately
 24 ninety to one-hundred and twenty (90-120) days. Good cause exists for the granting of a
 25 continuance, as follows:

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

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

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

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

9 5. The parties’ efforts were successful as Defendant has contacted Plaintiffs’ auditors
10 and scheduled an audit appointment for October 26, 2017.

11 6. The employer thereafter complied by having the audit appointment and providing
12 the auditors with documentation necessary to conduct the audit.

13 7. The parties have been in continued communication in an effort to obtain the
14 additional documents necessary to complete the audit. However to date, the additional documents
15 remain outstanding and the parties are meeting and conferring regarding their production.
16 Compliance by Defendants is anticipated. Upon receipt of said documents, the auditors will
17 require additional time to review the information and incorporate it into their audit 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. Upon completion
20 of the audit, the parties anticipate utilizing Mr. White’s services as a mediator.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 9. Therefore, the parties hereby stipulate and respectfully request that the mediation
2 deadline, currently set for February 9, 2018, be continued for approximately ninety to one-hundred
3 and twenty (90 to 120) days to allow the audit to go forward and be completed prior to mediating
4 the case.

5
6 Dated: February 9, 2018

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: February 9, 2018

11
12 By: _____/S/
13 David Johnston, Esq.
Attorney for Defendants Central Valley
14 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 6/14/18, and all related deadlines are extended
18 accordingly.

19 Date: 2/14/18



20 JUDGE KANDIS A. WESTMORE
21 UNITED STATES DISTRICT COURT
22
23
24
25
26
27
28

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

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: February 9, 2018

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