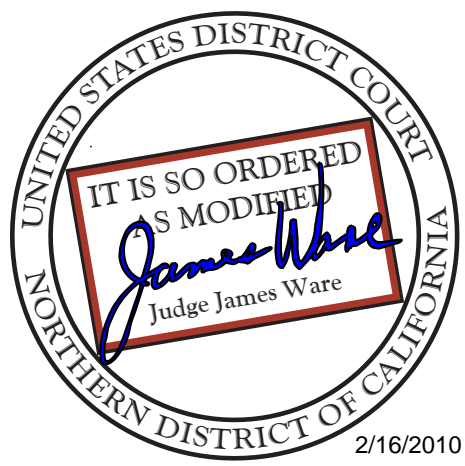


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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 VARSITY CONTRACTORS, INC.,
 12 Plaintiff,
 13 v.
 14 GENERAL EMPLOYEES TRUST FUND,
 15 Defendant.

Case No. C 09-04633 JW
STIPULATION AND [PROPOSED]
ORDER STAYING CASE
PENDING SETTLEMENT
DISCUSSIONS

17 **I. STIPULATION**

18 Plaintiff Varsity Contractors, Inc. ("Plaintiff") and Defendant General Employees Trust
 19 Fund ("Defendant"), (collectively, the "parties"), by and through their undersigned attorneys, in
 20 an attempt to limit litigation expenses and conserve judicial resources, have engaged, and
 21 continue to engage, in the exchange of documents and information to facilitate a settlement of this
 22 matter. The parties believe that they can exchange sufficient information to permit good faith
 23 settlement discussions within approximately 12 weeks.

24 Accordingly, the parties stipulate and agree and request a court order providing as
 25 follows:
 26
 27
 28

1 1. To facilitate the exchange of information and settlement discussions, the parties
2 request a 12-week stay of this matter until May 7, 2010, provided that either party has the right to
3 reinstate this matter at any time during the 12-week stay by giving the opposing party 2 weeks'
4 written notice.

5 2. The time within which Defendant must answer or otherwise respond to the
6 Complaint will be extended to May 7, 2010.

7 3. During the 12-week stay, all discovery, motion practice and other proceedings, and
8 all case deadlines in this matter will be held in abeyance.

9 4. If the parties are unable to reach a resolution within 12 weeks or if a party
10 reinstates the action pursuant to the terms set forth herein, the parties request that the Court issue
11 a new case schedule extending all deadlines by a period of time equivalent to the stay, or a greater
12 period of time that accommodates the Court's calendar.

13 5. To ensure that the parties have sufficient opportunity to resolve this matter, the
14 parties respectfully request that this Court grant the stipulated and proposed stay.

15 DATED: February 10, 2010

16
17 STOEL RIVES LLP

McCARTHY, JOHNSON & MILLER

18
19 By: s/Anthony J. DeCristoforo
20 Anthony J. DeCristoforo
21 Attorneys for Plaintiff
Varsity Contractors, Inc.

By: s/Diane Sidd-Champion (per email
authorization)

Diane Sidd-Champion
Attorneys for Defendant
General Employees Trust Fund


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II. ORDER AS MODIFIED BY THE COURT

THIS MATTER came before the undersigned judge in the above-captioned Court upon the foregoing stipulation of the parties. The Court has reviewed the stipulation and IT IS HEREBY ORDERED:

1. That this matter is stayed until **April 23, 2010** pending the parties' efforts to reach a settlement;
2. The time within which Defendant must answer or otherwise respond to the Complaint is extended to **April 23, 2010**.
3. During the stay, all discovery, motion practice and other proceedings, and all case deadlines in this matter will be held in abeyance;
4. Either party may reinstate this matter at any time during the stay by giving the opposing party 2 weeks' written notice;
5. If the parties reach a settlement prior to **April 23, 2010** they will so notify they Court and stipulate to dismissal of this action; and
6. The parties shall appear for a Case Management Conference on **May 10, 2010 at 10:00 A.M.** The parties shall file a joint statement on or before **April 30, 2010**, the statement shall update the Court on the progress of settlement.

DATED this 16th day of February, 2010.


UNITED STATES DISTRICT JUDGE

1 CERTIFICATE OF SERVICE

2 I declare that I am over the age of eighteen years and not a party to this action. I am
3 employed in the County of Sacramento and my business address is 500 Capitol Mall, Suite 1600,
4 Sacramento, California 95814.

5 I hereby certify that on February 10, 2010, I electronically filed the foregoing document
6 with the Clerk of the Court using the CM/ECF system. A copy of this filing was sent via U.S.
7 mail pursuant to Civil L.R. 5-6 and 28 U.S.C. § 1746 on the following person(s):

8
9 Diane Sidd-Champion
10 McCarthy, Johnson & Miller
11 595 Market Street, Suite 2200
12 San Francisco, CA 94105
13 (415) 882-2992 phone
14 (415) 882-2999 fax
15 dsidd-champion@mail.mjmlaw.us

16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct and that this document was executed on February 10, 2010, at
18 Sacramento, California.

19 STOEL RIVES LLP

20 By: 
21 Elizabeth Hecox