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**Attorneys for Plaintiffs**

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE BAY AREA ROOFERS HEALTH & WELFARE TRUST FUND, PACIFIC COAST ROOFERS PENSION PLAN, EAST BAY/NORTH BAY ROOFERS VACATION TRUST FUND, BAY AREA COUNTIES ROOFING INDUSTRY PROMOTION FUND, BAY AREA COUNTIES ROOFING INDUSTRY APPRENTICESHIP TRAINING FUND; DOUG ZIEGLER, as Trustee of the above,

Plaintiffs,

v.

BLUE SUN METALS, INC., a California corporation; BLUE SUN ENGINEERED METAL SYSTEMS, INC. dba AMS CONSTRUCTION, a California corporation;

Defendants.

Case No. 14-cv-00349-HRL

**STIPULATION AND ORDER TO EXTEND DEFENDANTS' TIME TO ANSWER THE COMPLAINT**

F.R.C.P. 6(b)(1)(A)

Plaintiffs BOARD OF TRUSTEES OF THE BAY AREA ROOFERS HEALTH & WELFARE TRUST FUND, PACIFIC COAST ROOFERS PENSION PLAN, EAST BAY/NORTH BAY ROOFERS VACATION TRUST FUND, BAY AREA COUNTIES ROOFING INDUSTRY PROMOTION FUND, BAY AREA COUNTIES ROOFING INDUSTRY APPRENTICESHIP TRAINING FUND; and DOUG ZIEGLER, as Trustee of the above ("Plaintiffs"), and Defendants BLUE SUN METALS, INC. and BLUE SUN ENGINEERED METAL SYSTEMS, INC. dba AMS CONSTRUCTION ("Defendants") hereby stipulate pursuant to Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 6(b)(1)(A) to a second 35-day extension of time for Defendants to respond to Plaintiffs' Complaint in this matter.

Plaintiffs filed this action on January 23, 2014, and Defendants, or some of them, were served on February 7, 2014. Pursuant to F.R.C.P. 12(a)(1)(A)(i), Defendants were required to respond to the complaint on or before February 28, 2014. The parties stipulated on March 4, 2014, however, to extend Defendants' time to answer the Complaint to April 4, 2014, and an Order to that effect was entered by this Court on March 6, 2014. The parties wish now to stipulate to extend that date once again by 35 days to May 9, 2014. Good cause exists for this extension to allow the parties to discuss potential settlement of the claims in the Complaint. There has been one extension of time for Defendants to answer the Complaint, but because the Complaint was recently filed, there is no prejudice to either party in extending the time for Defendants to answer.

WHEREFORE, for the foregoing reasons, the parties stipulate that Defendants shall have up to and including May 9, 2014 to answer Plaintiffs' Complaint.

IT IS SO STIPULATED.

Dated: April 3, 2014

**NEYHART, ANDERSON, FLYNN & GROSBOLL, APC**

By: _____
Eileen M. Bissen
Attorneys for Plaintiffs

Dated: April 3, 2014

By: _____
Stephen Hetrick
on behalf of Defendants

IT IS SO ORDERED

Dated: April 15, 2014

By: _____
Honorable Howard Lloyd
U.S. District Court Magistrate