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Board of Trustees of The California
19 *Ironworkers Field Pension Trust, Plan Administrator*
of The California Ironworkers Field Pension Trust

21 UNITED STATES DISTRICT COURT

22 DISTRICT OF NEVADA

23 DONALD ALLBAUGH, on behalf of himself and)
24 all others similarly situated,)
25 Plaintiffs,)
26 vs.)

27 CALIFORNIA FIELD IRONWORKERS)
PENSION TRUST; BOARD OF TRUSTEES OF)
28 THE CALIFORNIA FIELD IRONWORKERS)
PENSION TRUST, PLAN ADMINISTRATOR)

JAD
CASE NO. 2:12-cv-00561-~~GMN~~-GWF
STIPULATION AND ORDER
TO CONTINUE TRIAL AND STAY
CASE
FIRST REQUEST

1 OF THE CALIFORNIA FIELD IRONWORKERS)
2 PENSION TRUST,)
3 Defendants.)
4)
5)

6 Plaintiff Donald Allbaugh and Defendants California Ironworkers Field Pension Trust
7 and the Board of Trustees of the California Ironworkers Field Pension Trust, Plan Administrator
8 of the California Ironworkers Field Pension Trust (“Defendants”) hereby stipulate and request
9 that the Court enter an order continuing the trial date for approximately 70 days until a date
10 convenient for the Court in April 2018 and staying all other deadlines until after January 15,
11 2018 to allow the parties to complete a settlement framework agreed to between the parties.

12 Pursuant to LR 26-4, with respect to the request for an extension of deadlines, the
13 parties are submitting this stipulation prior to twenty-one (21) days before the expiration of any
14 of the deadlines the parties are seeking to extend.

15 Pursuant to LR 6-1 and 26-4, the parties further state that this is the first request for
16 continuance of the trial date and further state as follows:

17 **Reason for Request**

18 At the pretrial status conference on October 16, 2017, the Court stated its inclination to
19 send the parties to another settlement conference. The parties elected to participate in a private
20 mediation. The mediation was held in San Francisco, California on November 7, 2017. At the
21 end of the mediation and following subsequent negotiations, the parties have agreed to a
22 settlement framework to resolve all of the class claims in this case and claims related to the
23 second proposed class identified in Plaintiff’s Amended Complaint [ECF No. 72]. The parties
24 have agreed on the settlement amount and other essential terms. However, the settlement
25 agreement is subject to a funding contingency whereby the Defendants will have until January
26 12, 2018 to obtain funding for a portion of the settlement amount from their insurance carriers.
27 On or before that date, Defendants must notify Plaintiffs whether the funding contingency and
28 allocation issues between Defendants and Plaintiffs have been satisfied. In the event that an

1 agreement regarding the allocation of the settlement amount between Defendants and their
2 insurers cannot be reached, Defendants have the right to terminate the settlement agreement.

3 The trial date is currently scheduled for January 23, 2018, Motions in Limine are due on
4 December 22, 2017 and the pre-trial calendar call and all accompanying filings are scheduled for
5 January 16,2018. In an effort to conserve resources and allow the parties to focus on completing
6 the settlement framework, the parties agreed to request this Court to continue the trial for
7 approximately 70 days until a date in April 2018. This is a large class case and preparing for
8 trial will require numerous resources of both attorney and party time and result in significant
9 expenses. Continuing the trial will allow the parties to continue working to resolution without
10 having to face the time and cost of preparing for a large trial at the same time.

11 One of the terms in the parties' agreement is that if the Court is unable to accommodate a
12 trial in April 2018, either party may cancel the settlement agreement.

13 Accordingly, the parties have conferred and stipulated to and respectfully request that the
14 Court vacate the current trial date and re-schedule the trial to begin in **April 2018**.. The parties
15 also request that the court stay all pending motions and any further proceedings set forth in the
16 Joint Pretrial Order [ECF No. 210] until after January 15, 2018 and reschedule those dates based
17 on the new trial date. The parties will notify the Court on or before January 15, 2018 regarding
18 the status of the settlement.

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1 Accordingly, for good cause shown, the parties respectfully request that, the Court enter
2 an order approving the continuance of the trial to a date in April 2018 as set forth above.

3 DATED: November 18, 2017.

DATED: November_18, 2017.

4 GORDON REES SCULLY MANSUKHANI,
5 LLP

MARTIN & BONNET, P.L.L.C.

6 */s/ Robert S. Larsen*

/s/ Susan Martin

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28 *Pension Trust, Plan Administrator of The*
California Ironworkers Field Pension Trust

Attorneys for Plaintiffs

ORDER

21 **IT IS ORDERED** that the bench trial is reset for April 10, 2018 at 9:00 a.m. Calendar
22 call is reset for April 2, 2018 at 1:30 p.m. Motions in limine are due by March 9, 2018.

23 **IT IS FURTHER ORDERED** that all trial briefs, exhibit lists, witness lists, and proposed
24 findings of facts and conclusions are due by April 2, 2018.

25 **IT IS FURTHER ORDERED** that the Status Conference is reset for January 16, 2018 at
26 1:30 p.m.

27 
28 _____
UNITED STATES DISTRICT JUDGE

DATED: 11/20/2017