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8 **UNITED STATES DISTRICT COURT**  
 9 **DISTRICT OF NEVADA**

10 THE BOARD OF TRUSTEES OF THE  
 11 CONSTRUCTION INDUSTRY AND LABORERS  
 12 HEALTH AND WELFARE TRUST; THE BOARD  
 OF TRUSTEES OF THE CONSTRUCTION  
 13 INDUSTRY AND LABORERS JOINT PENSION  
 TRUST; THE BOARD OF TRUSTEES OF THE  
 14 CONSTRUCTION INDUSTRY AND LABORERS  
 VACATION TRUST; THE BOARD OF  
 15 TRUSTEES OF SOUTHERN NEVADA  
 LABORERS LOCAL 872 TRAINING TRUST,

Case No.: 2:18-cv-00416-APG-GWF

**STIPULATION AND ORDER  
 TO EXTEND DEADLINE FOR  
 ALSTON CONSTRUCTION  
 COMPANY, INC. TO FILE  
 RESPONSE TO PLAINTIFFS’  
 COMPLAINT**

**[FIRST REQUEST]**

16 Plaintiffs,

17 vs.

18 ALSTON CONSTRUCTION COMPANY,  
 19 INC., a California corporation; KIEWIT  
 INFRASTRUCTURE WEST CO., a Delaware  
 20 corporation; ARIA RESORT & CASINO, LLC,  
 a Nevada limited liability company; MGM  
 21 RESORTS INTERNATIONAL, a Nevada  
 corporation; BELLAGIO, LLC, a Nevada  
 22 limited liability company; and KENNETH M.  
 MERCURIO, an individual,

23 Defendants.

24 Plaintiffs the Board of Trustees of the Construction Industry and Laborers Health and  
 25 Welfare Trust; the Board of Trustees of the Construction Industry and Laborers Joint Pension  
 26 Trust; the Board of Trustees of the Construction Industry and Laborers Vacation Trust; and the  
 27 Board of Trustees of Southern Nevada Laborers Local 872 Training Trust, (“Plaintiffs”) and  
 28

**OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.**  
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1 Defendant Alston Construction Company, (“Alston Construction”) by and through their respective  
2 undersigned counsel, hereby stipulate and agree to extend the time for Alston Construction to  
3 answer Plaintiffs’ Complaint related to alleged liability for a subcontractors contributions to an  
4 ERISA trust fund (the “Complaint”). This is the first request for an extension of time to respond to  
5 the Complaint.  
6

7 This extension is requested because Defendant Alston Construction only recently retained  
8 defense counsel in this matter. In order to become familiar with the case, Defendant’s counsel  
9 requires additional time to complete their response to the Complaint, as well as explore the  
10 potential of resolution with the Plaintiffs. By way of the instant stipulation, the parties agree to  
11 extend the deadline for Alston Construction to file its responsive pleadings for an additional thirty  
12 (30) days, up to and including April 25, 2018.  
13

14 This stipulation is made in good faith and is not intended for purposes of delay, but in the  
15 interest of judicial economy.

16 Dated this 26<sup>th</sup> day of March, 2018.

17 THE URBAN LAW FIRM

OGLETREE, DEAKS, NASH, SMOAK &  
STEWART, P.C.

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Attorneys for Defendant Alston Construction

**ORDER**

**IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE

3/27/2018  
DATE