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12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

14  
 15 BOARDS OF TRUSTEES FOR THE  
 16 OPERATING ENGINEERS HEALTH AND  
 WELFARE TRUST FUND, et al.

17 Plaintiffs,

18 v.

19 MULDER CONSTRUCTION INC., et al.

20 Defendants.

Case No. 3:06cv4894 TEH

**JOINT CASE MANAGEMENT  
 CONFERENCE STATEMENT**

DATE: September 29, 2008

TIME: 1:30 p.m.

CRTRM: 12, 19th Floor

JUDGE: Hon. Thelton E. Henderson

21  
 22 Plaintiffs and defendants in the above-titled action jointly submit this Case Management  
 23 Conference statement, based on the following:

24 The parties have reached a settlement in this matter which is presently being effectuated.  
 25 Defendant Mulder has withdrawn the balance of his annuity account held in a plaintiff trust, and  
 26 paid that amount to the Plaintiff in partial satisfaction of the amounts due. The amount received  
 27 by Defendant Mulder was less than anticipated due to taxes being withheld, therefore there  
 28 remains an amount due to plaintiffs.

1 At the time of the last Case Management Conference, the parties were discussing how the  
2 remaining balance due was to be paid.

3 Since that time, the parties have drafted, and both approved, a Judgment Pursuant to  
4 Stipulation. Counsel for both parties sent it for signature to their respective clients. The parties  
5 anticipate that the Stipulation should be filed with the Court within the next 2 weeks.

6 The parties request that the Case Management Conference either be continued, or vacated  
7 with a deadline in which the Stipulated Judgment must be filed.

9 DATED: September 24, 2008

ATKINSON, ANDELSON, LOYA, RUUD &  
ROMO

/s/ Robert Fried

By: \_\_\_\_\_

ROBERT FRIED, ATTORNEYS FOR  
DEFENDANTS

14 DATED: September 24, 2008

SALTZMAN & JOHNSON LAW  
CORPORATION

/s/ Michele R. Stafford

By: \_\_\_\_\_

MICHELE R. STAFFORD, ATTORNEYS FOR  
PLAINTIFFS

19 IT IS SO ORDERED.

21 The Case Management Conference currently scheduled for September 29, 2008, is  
22 hereby continued to \_\_\_\_\_, at \_\_\_\_\_.

23 OR

24 The Case Management Conference currently scheduled for September 29, 2008, is  
25 hereby vacated pending settlement of the matter. A Stipulated Judgment must be filed with  
26 Court by \_\_\_\_\_, or the Case Management Conference will be  
27 rescheduled thereafter.

28 Dated: \_\_\_\_\_ 09/24/08

