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 8 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 9 SAN FRANCISCO DIVISION

10 BOARD OF TRUSTEES OF THE CEMENT
 MASONS HEALTH AND WELFARE TRUST
 FUND FOR NORTHERN CALIFORNIA;
 11 BOARD OF TRUSTEES OF THE CEMENT
 MASONS VACATION-HOLIDAY TRUST
 12 FUND FOR NORTHERN CALIFORNIA;
 BOARD OF TRUSTEES OF THE CEMENT
 13 MASONS PENSION TRUST FUND FOR
 NORTHERN CALIFORNIA; and BOARD OF
 14 TRUSTEES OF THE CEMENT MASONS
 TRAINING TRUST FUND FOR NORTHERN
 15 CALIFORNIA,

Case No.: C 07 0486 EDL

**JOINT CASE MANAGEMENT
 CONFERENCE STATEMENT; ORDER
 THEREON**

Date: February 12th, 2008
 Time: 10:00 a.m.
 Ctroom: E, 15th Floor

16 Plaintiffs,

17 vs.

18 F & M ENGINEERING CONTRACTORS,
 INC., a California corporation; and CLETUS
 19 MARION McCONVILLE, an Individual,

20 Defendants.

21 BOARD OF TRUSTEES OF THE
 LABORERS HEALTH AND WELFARE
 22 TRUST FUND FOR NORTHERN
 CALIFORNIA; BOARD OF TRUSTEES OF
 23 THE LABORERS VACATION-HOLIDAY
 TRUST FUND FOR NORTHERN
 24 CALIFORNIA; BOARD OF TRUSTEES OF
 THE LABORERS PENSION TRUST FUND
 25 FOR NORTHERN CALIFORNIA; and
 BOARD OF TRUSTEES OF THE
 26 LABORERS TRAINING AND RETRAINING
 TRUST FUND FOR NORTHERN
 27 CALIFORNIA,

Case No.: C-07 0487 EDL

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Plaintiffs,

vs.

F & M ENGINEERING CONTRACTORS,
INC., a California corporation; and CLETUS
MARION McCONVILLE, an Individual,

Defendants.

Plaintiffs Board of Trustees of the Laborers Health and Welfare Trust Fund for Northern California, Board of Trustees of the Laborers Vacation-Holiday Trust Fund for Northern California, Board of Trustees of the Laborers Pension Trust Fund for Northern California and Board of Trustees of the Laborers Training and Retraining Trust Fund for Northern California (“Laborers Trust Funds”) and Defendant Cletus Marion McConville (“McConville”) continue to meet and confer regarding settlement negotiations.

Defendant F & M Engineering Contractors, Inc. is in bankruptcy and the case is stayed as to this Defendant. For the past several months, the Laborers Trust Funds and McConville have been working on reaching a settlement. However, at this time, McConville is meeting with bankruptcy attorneys and may file a Ch. 13 Bankruptcy. If McConville files for Ch. 13 Bankruptcy, this action will be stayed pending bankruptcy.

McConville will make a decision within the next 30 days as to whether he qualifies for a Ch. 13 Bankruptcy. Therefore, it is anticipated that within 30 days either McConville will file for Ch. 13 Bankruptcy or this matter will be ready to be set for trial.

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Based on the above, the parties respectfully request that this Court continue the Case Management Conference for 30 days.

DATED: February 4, 2008

BULLIVANT HOUSER BAILEY PC

By *Ronald L. Richman*
Ronald L. Richman
Attorneys for Plaintiffs Laborers Trust Funds

DATED: February 4, 2008

DIEMER, WHITMAN & CARDOSI, LLP

By *Judith L. Whitman*
Judith L. Whitman
Attorneys for Defendant Cletus M. McConville

ORDER

Good cause appearing, it is so ORDERED that the case management conference currently set for February 12, 2008 at 10:00 a.m. is continued to March 11, 2008 at 10:00 a.m. in Courtroom E, 15th Floor. The parties shall submit a joint case management conference statement no later than March 4, 2008.

DATED: February 6, 2008

By _____
HON. ELIZABETH D. LAPORTE
UNITED STATES DISTRICT COURT JUDGE

