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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

BOARD OF TRUSTEES OF THE CEMENT
 MASONS HEALTH AND WELFARE TRUST
 FUND FOR NORTHERN CALIFORNIA;
 BOARD OF TRUSTEES OF THE CEMENT
 MASONS VACATION-HOLIDAY TRUST
 FUND FOR NORTHERN CALIFORNIA;
 BOARD OF TRUSTEES OF THE CEMENT
 MASONS PENSION TRUST FUND FOR
 NORTHERN CALIFORNIA; and BOARD OF
 TRUSTEES OF THE CEMENT MASONS
 TRAINING TRUST FUND FOR NORTHERN
 CALIFORNIA,

Plaintiffs,

v.

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

Defendants.

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.

Case No.: C 07 0486 EDL

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

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

Case No. C 07 0487 EDL:

1
2 Plaintiffs,

3 v.

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

7 Defendants.

8 Plaintiffs Board of Trustees of the Cement Masons Health and Welfare Trust Fund for
9 Northern California, Board of Trustees of the Cement Masons Vacation-Holiday Trust Fund for
10 Northern California, Board of Trustees of the Cement Masons Pension Trust Fund for Northern
11 California and Board of Trustees of the Cement Masons Training Trust Fund for Northern
12 California ("Cement Masons Trust Funds") and the Board of Trustees of the Laborers Health
13 and Welfare Trust Fund for Northern California, Board of Trustees of the Laborers Vacation-
14 Holiday Trust Fund for Northern California, Board of Trustees of the Laborers Pension Trust
15 Fund for Northern California and Board of Trustees of the Laborers Training and Retraining
16 Trust Fund for Northern California ("Laborers Trust Funds") and Defendant Cletus Marion
17 McConville ("McConville") have reached a settlement in this case.

18 Defendant F & M Engineering Contractors, Inc. filed for bankruptcy and on or about
19 August 13, 2007, this Court granted the Plaintiffs' request for dismissal, without prejudice, as to
20 F&M Engineering Contractors, Inc.

21 The settlement documents for McConville will be executed and the parties will file a
22 Stipulation for Dismissal, With Prejudice, within the next 30 days.
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1 Based on the above, the parties respectfully request that this Court continue the Case
2 Management Conference for 30 days. Within this time period, this case will be dismissed.

3 DATED: October 6, 2008

4 BULLIVANT HOUSER BAILEY PC

5 By _____/s/
6 Ronald L. Richman

7 Attorneys for Plaintiffs Trust Funds

8 DATED: October 6, 2008

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10 DIEMER, WHITMAN & CARDOSI, LLP

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12 By _____/s/
13 Judith L. Whitman

14 Attorneys for Defendant Cletus M. McConville

15 **ORDER**

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17 Good cause appearing, it is so ORDERED that the case management conference
18 currently set for October 10, 2008 at 10:00 a.m. is continued to November 18, 2008
19 at 10:00 a.m. in Courtroom E, 15th Floor.

20 DATED: October 6, 2008

21
22 By _____
23 HONORABLE JUDGE ELIZABETH D. LAPORTE
24 UNITED STATES MAGISTRATE JUDGE



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