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5	mstafford@sjlawcorp.com	
6 7	Attorneys for Plaintiffs BAY AREA PAINTERS AND TAPERS PENSION FUND, et al.	
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9		
10	UNITED STATES	DISTRICT COURT
11		
	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
12	BAY AREA PAINTERS AND TAPERS	Case No.: C07-6344 MHP
13	PENSION FUND, et al.,	REQUEST TO CONTINUE CASE
14	Plaintiffs,	MANAGEMENT CONFERENCE
15	v.	Date: September 8, 2008
16	RODEO DRYWALL, INC. and TONY	Time: 3:00 p.m.
17	RODRIGUEZ,	Dept.: Ctrm. 15, 18 th Floor Judge: Hon. Marilyn Hall Patel
18	Defendants.	
19		-
20	Plaintiffs hereby request that the Case Management Conference, currently scheduled for	
	Monday, September 8, 2008 at 3:00 p.m., be continued for 90-120 days.	
21	1. The Clerk entered the default of the defendants on January 23, 2008.	
22		
23	2. At the time of the initial conference, plaintiffs were in contact with Tony	
24	Rodriguez, who advised that he would submit his missing contribution reports (for the months of	
25	July, August and September 2007) "right away" and that he wanted to "work things out." I was	
26	prepared to either resolve this matter with the defendant, or, if necessary, file a Motion for Default	
27	Judgment. No reports were received, despite m	ultiple follow up contacts by this office and thus

the Motion was not filed as anticipated.

1	3. Due to the absence of the contribution reports, plaintiffs were unable to ascertain	
2	what amounts, if any, were/ are owed to the Trust Funds. Defendants submitted all subsequent	
3	contribution reports (October, 2007 to present), advising that there were no employees working.	
4	4. I spoke to one of the Business Representatives for District Counsel 16, who	
5	believes that Rodeo Drywall had work, and had Union employees working, during the time that he	
6	was reporting "0" due in contributions.	
7	5. As it appeared that there may be inconsistencies in reporting, I requested that an	
8	audit be completed relative to Defendant's records. I filed an Amended Complaint in this action,	
9	and defendant failed to respond. The default as to the Amended Complaint was entered on August	
10	14, 2008.	
11	6. The audit was completed as of last week. The auditors sent the report to the	
12	defendant for comment, and payment. I am currently waiting for defendant's response to the	
13	audit.	
14	7. I am requesting that the Court continue the Case Management Conference to allow	
15	the defendant to reply to the audit and provide any contrary documentation in his possession.	
16	Thereafter, I am hopeful that this matter can be resolved, possibly by a payment plan. If not, as I	
17	now know the exact amounts due, I will file a Motion for Default Judgment.	
18	I declare under penalty of perjury that I am the attorney for the plaintiffs in the above	
19	entitled action, and that the foregoing is true of my own knowledge.	
20	Executed this 2 nd day of September, 2008, at San Francisco, California.	
21	SALTZMAN & JOHNSON LAW CORPORATION	
22	LAW CORPORATION	
23	By:/s/	
24	Michele R. Stafford Attorneys for Plaintiffs	
25	·	
26	IT IS SO ORDERED. The CMC is reset for 12/8/2008 at 3:00 p.m., with a joint cmc statement to be filed by 12/1/2008.	
27	Date: September 3, 2008 MARILAN H. PATEL	
28	UNITED STATES DISTRICT COURT JUDGE	

1	PROOF OF SERVICE		
2	I, the undersigned, declare:		
3	I am a citizen of the United States and am employed in the County of San Francisco, State		
4 5	of California. I am over the age of eighteen and not a party to this action. My business address is		
6	44 Montgomery Street, Suite 2110, San Francisco, California 94101.		
7			
8	On September 2, 2008, I served the following document(s):		
9	REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE		
10	on the interested parties in said action by placing a true and exact copy of each document in a		
11	sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San		
12	Francisco, California, addressed as follows:		
Rodeo Drywall, Inc. Tony Rodriguez	ıı		
14	38721 Blacow Road Fremont, California 94536 Fremont, California 94536		
15	I declare under penalty of perjury that the foregoing is true and correct and that the		
16			
17	declaration was executed on this 2nd day of September, 2008, at San Francisco, California.		
18			
19	/s/		
20	Vanessa de Fábrega		
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