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9 For Defendants

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12

13 CARPENTERS PENSION TRUST FUND) No. CV 08-1164 WHA
14 FOR NORTHERN CALIFORNIA,)
) STIPULATION TO CONTINUE CASE
15 Plaintiff,) MANAGEMENT CONFERENCE AND
) [PROPOSED] ORDER;
16 v.) BANKRUPTCY STATUS REPORT
)
17 MGM'S CABINET INSTALLATION) Date: March 19, 2009
SERVICES and MICHAEL GORDON) Time: 11:00 a.m.
18 MOXLEY,) Courtroom: 9, 19th Floor
) Hon. William Alsup
19 Defendants.)
)
20)

21 Plaintiff Carpenters Pension Trust Fund for Northern California and Michael G. Moxley,
 22 hereby provide the following information for the Court's consideration.

23 **1. Stipulation to Continue Case Management Conference:**

24 A further Case Management Conference is currently set for 11:00 a.m. on Thursday, March
 25 19, 2009. Defendants respectfully request a continuance of the Conference for the following
 26 reasons:

27 Defendant MGM's Cabinet Installation Services ("MGM's") is a sole proprietorship run by
 28 Defendant Michael G. Moxley. Like many other small business, MGM's was having problems

1 prior to and has been significantly impacted by the current economic downturn. MGM's had five
2 days of work in January and two days of work in February 2009.

3 MGM's entered into a contract for approximately three weeks of work currently scheduled
4 to begin on March 16, 2009. That work is expected to continue on an eight hour per day basis
5 through early April. If required to attend the Case Management Conference as scheduled, MGM's
6 will lose a full day of work on the job, and that may cause a delay in completion of the work as
7 well as the work of other tradespeople.

8 Therefore, MGM requests a continuance of the Case Management Conference to the week
9 of April 20, 2009, or a date thereafter at the Court's convenience. Plaintiff has no objection to the
10 requested continuance.

11 **2. Report on Status of Bankruptcy Proceedings**

12 On February 13, 2009, the Pension Trust Fund served an adversary proceeding to determine
13 the dischargeability of the withdrawal liability obligation under 28 U.S.C. § 523(C). That
14 complaint was served on February 19, 2009. MGM had twenty days from the date of service, or
15 until March 11, 2009, to respond to the adversary proceeding. It is anticipated that discovery will
16 be undertaken in this proceeding, and that further deadlines will be set by the Bankruptcy Court at
17 a status conference currently scheduled for April 6, 2009. It is Plaintiff's position that this case
18 remains subject to the automatic stay pending a determination by the Bankruptcy Court on whether
19 the withdrawal liability obligation is a dischargeable debt.

20 Dated: March 10, 2009

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

22 By: /s/ Roberta D. Perkins
23 BLYTHE MICKELSON
24 ROBERTA D. PERKINS
Attorneys for Plaintiff Carpenters Pension Trust
Fund for Northern California

25 Dated: March 10, 2009

26 By: /s/ Michael G. Moxley
27 MICHAEL G. MOXLEY
28 *In Propria Persona* for Defendants MGM's Cabinet
Installation Services and Michael Gordon Moxley

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[PROPOSED] ORDER

IT IS HEREBY ORDERED that the Case Management Conference currently scheduled for March 19, 2009 be continued to April 23, 2009, at 11:00 a.m.

Dated: March 10, 2009. _____

The _____

Judge William Alsup