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6 Attorneys for Plaintiffs

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

11 BOARD OF TRUSTEES OF THE  
 LABORERS HEALTH AND WELFARE  
 12 TRUST FUND FOR NORTHERN  
 CALIFORNIA; BOARD OF TRUSTEES OF  
 13 THE LABORERS VACATION-HOLIDAY  
 TRUST FUND FOR NORTHERN  
 14 CALIFORNIA; BOARD OF TRUSTEES OF  
 THE LABORERS PENSION TRUST FUND  
 15 FOR NORTHERN CALIFORNIA; and  
 BOARD OF TRUSTEES OF THE  
 16 LABORERS TRAINING AND RETRAINING  
 TRUST FUND FOR NORTHERN  
 17 CALIFORNIA,

18 Plaintiffs,

19 v.

20 JORGE RAFAEL ABOGADO dba DEEPSPIN  
 CONCRETE CUTTING,

21 Defendant.  
22

Case No.: C 08 02855 VRW

**REQUEST TO CONTINUE MOTION FOR DEFAULT JUDGMENT; ORDER THEREON**

Date: April 9, 2009  
 Time: 2:30 p.m.  
 Ctroom: 6, 17<sup>th</sup> Floor  
 Hon. Vaughn R. Walker

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1 Plaintiffs respectfully request that this Court continue the hearing on Plaintiffs' Motion  
2 for Default Judgment to June 4, 2009 on the grounds that counsel for Plaintiffs has an  
3 unexpected conflict, no opposition has been filed by Defendant and Plaintiffs do not anticipate  
4 that Defendant will make an appearance at the hearing.

5 DATED: April 2, 2009

6 BULLIVANT HOUSER BAILEY PC

7  
8 By *Ronald L. Richman*

9 Ronald L. Richman  
Susan J. Olson

10 Attorneys for Plaintiffs

11 **ORDER**

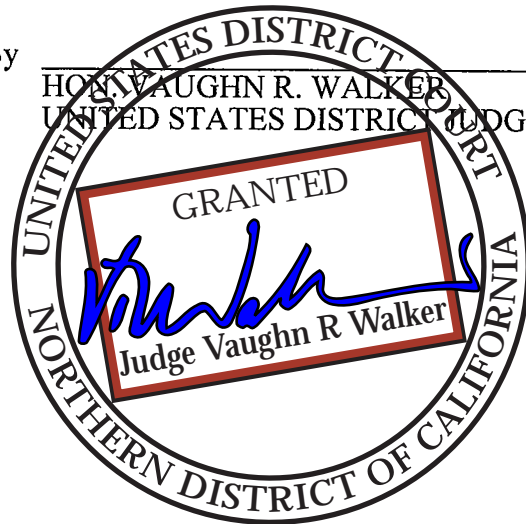
12 Upon request by Plaintiffs counsel and no opposition having been filed in conjunction  
13 with Plaintiffs' Motion for Default Judgment:

14 IT IS HEREBY ORDERED that Plaintiffs' Motion for Default Judgment be continued  
15 from April 9, 2009 to June 4, 2009 at 2:30 p.m., Courtroom 6, 17<sup>th</sup> Floor.

16 DATED: April 3, 2009

17  
18 By HONORABLE VAUGHN R. WALKER  
19 UNITED STATES DISTRICT JUDGE

20 11454553.1



**PROOF OF SERVICE**

*Laborers v. Jorge Rafael Abogado dba Deepspin Concrete Cutting*  
USDC Case No.: C 08 02855 VRW

I am employed in the City and County of San Francisco by the law firm of Bullivant Houser Bailey PC ("the business"), 601 California Street, Suite 1800, San Francisco, CA 94108. I am over the age of 18 and not a party to this action. On April 2, 2009, I served the document(s) entitled:

**REQUEST TO CONTINUE MOTION FOR DEFAULT JUDGMENT;  
ORDER THEREON**

upon the following parties:

Jorge R. Abogado  
dba Deepspin Concrete Cutting  
4449 North Village Street  
Buckeye, AZ 85396

(X) BY MAIL (CCP § 1013a): I am readily familiar with the ordinary practice of the business with respect to the collection and processing of correspondence for mailing with the United States Postal Service. I placed true and correct copies of the above-titled document(s) in envelopes addressed as above, with first class postage thereon fully prepaid. I sealed the aforesaid envelopes and placed them for collection and mailing by the United States Postal Service in accordance with the ordinary practice of the business. Correspondence so placed is ordinarily deposited by the business with the United States Postal Service on the same day.

( ) BY FACSIMILE TRANSMISSION (CRC 2008(e)): I transmitted the documents by facsimile transmission by placing them in a facsimile machine (telephone number 415-352-2701) and transmitting them to the facsimile machine telephone numbers listed above. A transmission report was properly issued by the transmitting facsimile machine. Each transmission was reported as complete and without error. A true and correct copy of the transmission report is attached hereto.

( ) BY OVERNIGHT DELIVERY (CCP § 1013(c)): I am readily familiar with the ordinary practice of the business with respect to the collection and processing of correspondence for mailing by Express Mail and other carriers providing for overnight delivery. I placed true and correct copies of the above-titled document(s) in envelopes addressed as above, with first class postage thereon fully prepaid. I sealed the aforesaid envelopes and placed them for collection and mailing by Express Mail or other carrier for overnight delivery in accordance with the ordinary practice of the business. Correspondence so placed is ordinarily deposited by the business with Express Mail or other carrier on the same day.

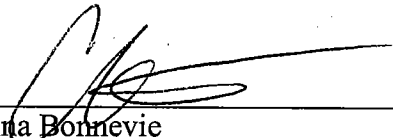
( ) BY PERSONAL SERVICE UPON AN ATTORNEY (CCP § 1011(a)): I placed true and correct copies of the above-titled document(s) in sealed envelopes addressed as indicated above. I delivered each of said envelopes by hand to a receptionist or person having charge of it at the address on the envelope, or, if no person was present, by

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leaving the envelope in a conspicuous place in the office between the hours of nine in the morning and five in the afternoon.

( ) BY PERSONAL SERVICE UPON A PARTY (CCP § 1011(b)): I placed true and correct copies of the above-titled document(s) in sealed envelopes addressed as indicated above. I delivered each of said envelopes by hand to a person of not less than 18 years of age at the address listed on the envelope, between the hours of eight in the morning and six in the evening.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 2, 2009, at San Francisco, California.

  
\_\_\_\_\_  
Cristina Bornevie