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\* Also admitted in Arizona  
\*\* Admitted in Hawaii  
\*\*\* Also admitted in Nevada  
\*\*\*\* Also admitted in Illinois

April 20, 2009

VIA E-FILING

Magistrate Judge Edward M. Chen  
United States District Court  
Courtroom C, 15<sup>th</sup> Floor  
450 Golden Gate Ave.  
San Francisco, CA 94102

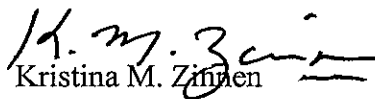
Re: *The Board of Trustees of the Laborers Trust Funds v. Cal-Kirk Landscaping d/b/a/  
Crafterman Mall*  
USDC Case No. C 08-03292 EMC  
Our File No. 115853

Dear Judge Chen:

This confirms our office's conversation with your clerk, Betty Lee, today in which the Court agreed to continue the Case Management Conference currently set for Wednesday, April 22, 2009 at 1:30 p.m. As we discussed with Ms. Lee, our office will be filing a First Amended Complaint in this case, as we have not been able to reach the Defendants since the Trust Funds conducted their recent audit. Given that a portion of the case may be resolved, Plaintiffs estimate that they will have the First Amended Complaint filed by the end of this week.

This also confirms that the new date and time set by your chambers for the initial Case Management Conference is June 10, 2009 at 1:30 p.m. in your courtroom. Thank you in advance for your time and consideration of this matter.

Sincerely,

  
Kristina M. Zinnen

cc: Cal-Kirk Landscaping  
115853/527949

IT IS ORDERED that the Court Management Conference is reset from 4/22/09 to 6/10/09 at 1:30 p.m. Plaintiff is ordered to serve a copy of this order upon all Defendants.

EDWARD M. CHEN, U.S. MAGISTRATE JUDGE  
Edward M. Chen

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**PROOF OF SERVICE**

I am a citizen of the United States, and a resident of the State of California. I am over the age of eighteen years, and not a party to the within action. My business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On April 20, 2009, I served upon the following parties in this action:

Cal Kirk Landscaping, Inc., A  
California Corporation  
2905 Saint Louis Road  
Arcata, CA 95521

copies of the document(s) described as:

**Letter to Magistrate Judge Edward M. Chen dated April 20, 2009.**

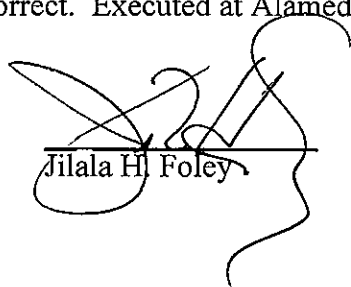
**BY MAIL** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

**BY PERSONAL SERVICE** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused the same to be delivered by hand to the offices of each addressee.

**BY OVERNIGHT DELIVERY SERVICE** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and placed the same for collection by Overnight Delivery Service by following the ordinary business practices of Weinberg, Roger & Rosenfeld, Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of Overnight Delivery Service correspondence, said practice being that in the ordinary course of business, Overnight Delivery Service correspondence is deposited at the Overnight Delivery Service offices for next day delivery the same day as Overnight Delivery Service correspondence is placed for collection.

**BY FACSIMILE** I caused to be transmitted each document listed herein via the fax number(s) listed above or on the attached service list.

I certify that the above is true and correct. Executed at Alameda, California, on April 20, 2009.



Jilala H. Foley

115853/527998