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12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14

15 THE BOARD OF TRUSTEES, in their) No. C 08-03292 EMC
 16 capacities as Trustees of the LABORERS)
 HEALTH AND WELFARE TRUST FUND) **STIPULATED REQUEST TO**
 17 FOR NORTHERN CALIFORNIA; LABORERS) **CONTINUE CASE MANAGEMENT**
 VACATION-HOLIDAY TRUST FUND FOR) **CONFERENCE; [PROPOSED]**
 18 NORTHERN CALIFORNIA; LABORERS) **ORDER**
 PENSION TRUST FUND FOR NORTHERN)
 19 CALIFORNIA; and LABORERS TRAINING)
 AND RETRAINING TRUST FUND FOR)
 20 NORTHERN CALIFORNIA; NORTHERN)
 CALIFORNIA DISTRICT COUNCIL OF)
 21 LABORERS for itself and on behalf of) Date: July 14, 2010
 LABORERS' LOCAL 139) Time: 1:30 p.m.
 22) Judge: Honorable Edward M. Chen
 Plaintiffs,) Courtroom: C, 15th Floor
 23)
 v.)
 24)
 CAL-KIRK LANDSCAPING, INC., A)
 25 California Corporation,)
)
 26)
 Defendant.)
 27)

1 Pursuant to Civil Local Rules 7-12 and 16-2, Plaintiffs and Defendant hereby request that
2 the initial Case Management Conference scheduled for July 14, 2010 be continued for 90 days.
3 Plaintiffs and Defendant are in the process of attempting to resolve this matter. Plaintiffs filed the
4 original Complaint and Petition to Confirm in this action on July 9, 2008. On or around November
5 2008, Defendant agreed to allow Plaintiffs' auditors to audit their records to determine whether any
6 amounts were due and owing as a result of the audit. Plaintiffs thereafter conducted an audit of
7 Defendant's records and found a number of delinquencies owed by Defendant. On or around
8 February 2009, Plaintiffs submitted their audit findings to Defendant to allow Defendant the
9 opportunity to review those results and challenge any delinquencies it believed were in error. After
10 receiving no response from Defendant, Plaintiffs filed their First Amended Complaint for Petition
11 to Confirm Arbitration Award, Breach of Contract, Damages, and Breach of Fiduciary Duty on
12 May 7, 2009. On or around May 15, 2009, Plaintiffs received documentation from Defendant. On
13 or around June 3, 2009, Plaintiffs were notified that Defendant had retained legal counsel on or
14 around May 21, 2009. On June 4, at the request of the parties, the Court granted Defendant an
15 extension of time to answer or otherwise respond to Plaintiffs' First Amended Complaint to July
16 31, 2009. The parties thereafter stipulated to two additional extensions of time for Defendant to
17 answer or otherwise respond to Plaintiffs' First Amended Complaint to August 31, 2009 and
18 September 9, 2009, respectively. Defendant timely answered on September 9, 2009.

19 As a result of the documentation that Defendant submitted to Plaintiffs, Plaintiffs have
20 made adjustments to the audit worksheets. Plaintiffs and Defendant are currently engaged in a
21 review of the revised audit worksheets and are attempting to resolve the matter without further
22 litigation. The parties have requested prior continuances of the Case Management Conference.
23 The parties are requesting a further continuance at this time since the working attorney for
24 Defendant is on an emergency medical leave for the next 6-8 weeks. A further continuance would
25 promote judicial efficiency because the parties are very close to reaching a settlement and
26 anticipate they will reach a settlement in this matter upon Defendant's counsel return from medical
27 leave.

1 Based on the above, Plaintiffs and Defendant respectfully request that the initial case
2 management conference scheduled for July 14, 2010 be continued for 90 days, in order to allow the
3 parties time to attempt to resolve the matter without further litigation upon Defendant's counsel
4 return from medical leave.

5 Dated: July 2, 2010

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

7 By: _____ /s/
8 KRISTINA M. ZINNEN
9 Attorneys for Plaintiffs

11 Dated: July 2, 2010

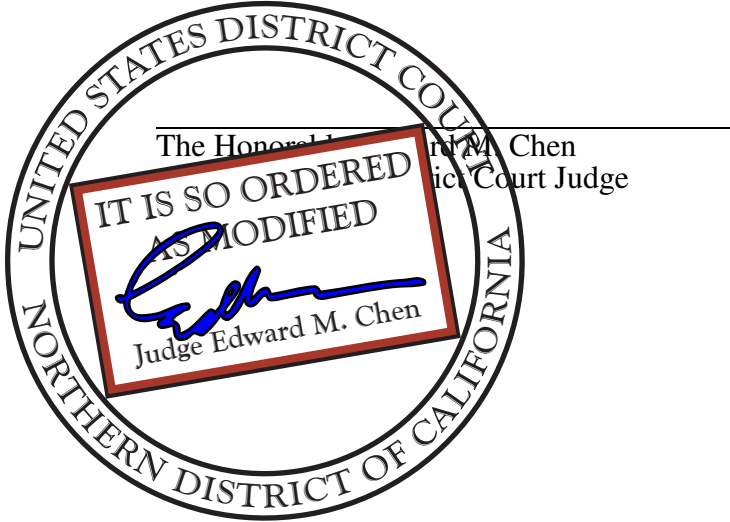
SEYFARTH SHAW LLP

13 By: _____ /s/
14 G. DANIEL NEWLAND
15 Attorneys for Defendant

16 **[PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

17 Based upon the foregoing Stipulated Request to Continue Case Management Conference,
18 the Court orders the continuance of the case management conference for 90 days, or as soon
19 thereafter as a court date is available. In addition, the Court Orders: The CMC is reset to 10/13/10
20 at 1:30 p.m. A Joint CMC statement shall be filed by 10/6/10.

22 Dated: 7/13/10



25 115853/579048