

1 BARRY E. HINKLE, Bar No. 071223
 PATRICIA A. DAVIS, Bar No. 179074
 2 CONCEPCIÓN E. LOZANO-BATISTA, Bar No. 227227
 WEINBERG, ROGER & ROSENFELD
 3 A Professional Corporation
 1001 Marina Village Parkway, Suite 200
 4 Alameda, CA 94501-1091
 Telephone (510) 337-1001
 5 Facsimile (510) 337-1023

6 Attorneys for Plaintiffs

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10

11	THE BOARD OF TRUSTEES, in their)	Case No.	08-4191 WHA
	capacities as Trustees of the LABORERS)		
12	HEALTH AND WELFARE TRUST FUND)		
	FOR NORTHERN CALIFORNIA; LABORERS)		
13	VACATION-HOLIDAY TRUST FUND FOR)	EX PARTE APPLICATION FOR	
	NORTHERN CALIFORNIA; LABORERS)	CONTINUANCE OF CASE	
14	PENSION TRUST FUND FOR NORTHERN)	MANAGEMENT CONFERENCE;	
	CALIFORNIA; and LABORERS TRAINING)	(PROPOSED) ORDER	
15	AND RETRAINING TRUST FUND FOR)		
	NORTHERN CALIFORNIA,)		
16)		
	Plaintiffs,)		
17)		
	v.)		
18)		
	CALHOUN BROTHERS GRADING &)		
19	PAVING, INC., a California Corporation,)		
)		
20	Defendant.)		
)		

21
 22 **TO: THE CLERK OF THE COURT AND DEFENDANT CALHOUN BROTHERS**
 23 **GRADING & PAVING, INC., a California Corporation:**

24 Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial case
 25 management conference scheduled for December 11, 2008 be continued to January 15, 2009, the
 26 date set for the hearing on Plaintiffs' Motion for Default Judgment.

27 Plaintiffs served Defendant with the complaint on September 27, 2008. Proofs of service
 28 were filed before this Court with the Summons evidencing such service on October 8, 2008. Given

1 that Defendant did not respond to the Complaint, Plaintiffs filed a Request for Entry of Default on
2 October 31, 2008. Default was entered by the clerk against Defendant on November 4, 2008. On
3 November 20, 2008, Plaintiffs filed a Motion for Default Judgment and set the hearing on the
4 motion for January 15, 2009. Plaintiffs were recently contacted by Defendant and their counsel
5 who have proposed settling this matter. Plaintiffs will keep the Court informed of any
6 developments and have notified Defendant's counsel of their desire to continue the Case
7 Management Conference to January 15, 2009. Plaintiffs wish to continue the Case Management
8 Conference to coincide with the hearing on the Motion for Default Judgment.

9 The above stated facts are set forth in the accompanying declaration of Concepción E.
10 Lozano-Batista in Support of Ex Parte Application to Continue Case Management Conference,
11 filed herewith.

12 Dated: December 4, 2008

13 WEINBERG, ROGER & ROSENFELD
14 A Professional Corporation

15 By: _____/s/_____
16 CONCEPCIÓN E. LOZANO-BATISTA

17
18 **ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

19 Based upon the foregoing Ex Parte Application for Continuance of Case Management
20 Order and Declaration of Concepción E. Lozano-Batista in Support of Ex Parte Application to
21 Continue Case Management Conference, the Court orders a continuance of the case management
22 conference to January 15, 2009. In addition, the Court Orders: the case management conference
23 shall immediately follow the hearing on plaintiff's motion for default judgment.

24 DATED: December 4, 2008.

25 119233/513811

26 HONORABLE WILLIAM ALSUP
27 JUDGE OF THE DISTRICT COURT

