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6 Attorneys for Plaintiffs

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

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

17 Plaintiffs,

18 v.

19 DEMEX ENGINEERING, INC., a California  
Corporation; and UWE GUEHNEMANN, an  
20 individual,

21 Defendants.

Case No.: CV 08 4215 MEJ

**NOTICE OF BANKRUPTCY FILING;  
AUTOMATIC STAY**

22  
23 Plaintiffs Board of Trustees of the Laborers Health and Welfare Trust Fund for Northern  
24 California, Board of Trustees of the Laborers Vacation-Holiday Trust Fund for Northern  
25 California, Board of Trustees of the Laborers Pension Trust Fund for Northern California and  
26 Board of Trustees of the Laborers Training and Retraining Trust Fund for Northern California  
27 (“Laborers Trust Funds”) hereby notify this Court that on October 3, 2008, Demex Engineering,  
28 Inc. filed its Notice of Bankruptcy, Ch. 11, in the United States Bankruptcy Court, Northern

1 District of California, Case No. 08-31873 TEC. A true and correct copy of the Notice of  
2 Bankruptcy Case Filing is attached as Exhibit A to the Declaration of Ronald L. Richman re  
3 Notice of Automatic Stay. This action should therefore be stayed as to Defendant Demex  
4 Engineering, Inc. pursuant to 11 U.S.C. § 362(a).

5 In the current action, Plaintiffs Laborers Trust Funds seek an audit of Demex  
6 Engineering, Inc. to verify the outstanding employer contributions due and owing Plaintiffs  
7 Trust Funds. Bankruptcy counsel for Demex Engineering, Inc. has allowed the audit and the  
8 audit will take place on November 10, 2008.

9 Although Defendant Uwe Guehnemann has not filed for bankruptcy protection, the  
10 claims against him, individually, are derivative of the claims against Demex Engineering, Inc.  
11 and therefore, Plaintiffs Laborers Trust Funds recommend that the entire action be stayed  
12 pending the bankruptcy of Demex Engineering, Inc.

13 DATED: October 13, 2008

BULLIVANT HOUSER BAILEY PC

16 By *Ronald L. Richman*  
17 Ronald L. Richman

18 Attorneys for Plaintiffs Laborers Trust Funds

19 10848806.1

23 Dated: October 29, 2008



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