

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

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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

12 THE BOARD OF TRUSTEES, in their) No. C 08 4586 JL
 capacities as Trustees of the LABORERS)
 13 HEALTH AND WELFARE TRUST FUND)
 FOR NORTHERN CALIFORNIA; LABORERS)
 14 VACATION-HOLIDAY TRUST FUND FOR) **EX PARTE APPLICATION FOR**
 NORTHERN CALIFORNIA; LABORERS) **CONTINUANCE OF CASE**
 15 PENSION TRUST FUND FOR NORTHERN) **MANAGEMENT CONFERENCE;**
 CALIFORNIA; and LABORERS TRAINING) **(PROPOSED) ORDER**
 16 AND RETRAINING TRUST FUND FOR)
 NORTHERN CALIFORNIA,)
 17)
 Plaintiffs,)
 18)
 v.)
 19)
 RMT LANDSCAPE CONTRACTORS, INC., A)
 20 California Corporation,)
)
 21 Defendant.)
)
 22)
 23)

24 **TO: THE CLERK OF THE COURT AND DEFENDANT RMT LANDSCAPE**
 25 **CONTRACTORS, INC., A California Corporation:**

26 Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial case
 27 management conference scheduled for January 7, 2009 be continued for ninety days.

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1 Plaintiffs served Defendant with the complaint on October 14, 2008, for which proofs of
2 service were filed before this Court with the Summons evidencing such service on October 28,
3 2008. Given that Defendant RMT Landscape, Inc. has not responded to the Complaint, Plaintiffs
4 are filing a Request for Entry of Default concurrently with this request. Plaintiffs wish to continue
5 the Case Management Conference for ninety days.

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

9 Dated: December 19, 2008

10 WEINBERG, ROGER & ROSENFELD
11 A Professional Corporation

12 By: _____/s/_____
13 CONCEPCIÓN E. LOZANO-BATISTA

14 119542/515407

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16 **ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

17 Based upon the foregoing Ex Parte Application for Continuance of Case Management
18 Order and Declaration of Concepción E. Lozano-Batista in Support of Ex Parte Application to
19 Continue Case Management Conference, the Court orders a continuance of the case management
20 conference for ninety days. In addition, the Court Orders:

21 The Case Management Conference has been continued to April 8, 2009 at 10:30 a.m.

22 DATED: December 23, 2008

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24 _____
25 HONORABLE JAMES LARSON
26 JUDGE OF THE DISTRICT COURT