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6 Attorneys for Plaintiffs

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 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 Davis Moreno Construction, Inc., a California
 Corporation,

20 Defendants.
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Case No.: CV 08 5138 MEJ

**JOINT STATUS CONFERENCE
 STATEMENT; ORDER THEREON**

Date: October 8, 2009
 Time: 10:00 a.m.
 Ctroom: B, 15th Floor
 Hon. Maria-Elena James

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 23 Plaintiffs Laborers Health and Welfare Trust Fund for Northern California, Laborers
 24 Vacation-Holiday Trust Fund for Northern California, Laborers Pension Trust Fund for
 25 Northern California, and Laborers Training and Retraining Trust Fund for Northern California
 26 (“Laborers Trust Funds”), on the one hand, and Defendant Davis Moreno Construction, Inc.
 27 (“Davis Moreno”), on the other hand, provide this Court with the following status update.
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1 On November 12, 2008 Plaintiffs Laborers Trust Funds filed their Complaint for
2 Damages for Breach of Collective Bargaining Agreement and For a Mandatory Injunction
3 (“Complaint”). Plaintiffs seek to conduct an audit of Defendant’s books and records to
4 determine if Defendant properly reported and paid its trust fund contributions on behalf of its
5 covered workers. Defendant Davis Moreno was served with the lawsuit and filed an answer to
6 the complaint on December 5, 2009. Defendant Davis Moreno agreed to allow the audit to be
7 conducted, pursuant to the Stipulated Protective Order filed with this Court and without waiving
8 any of its legal rights or remedies. The audit has not been completed. Plaintiffs Laborers Trust
9 Funds and Defendant Davis Moreno are working together to resolve the audit issues. It is now
10 anticipated that the audit will be completed and the preliminary results of audit will be shared
11 with Defendant within the next 45 days. It is further anticipated that the parties will be able to
12 meet and confer within the next 60 days to discuss any issues related to the audit.

13 Based on the above, the parties respectfully request that this Court continue the Case
14 Management Conference for 60 days.

15 DATED: September 30, 2009

16 BULLIVANT HOUSER BAILEY PC

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18 By _____ /s/
19 Ronald L. Richman
20 Susan J. Olson

21 Attorneys for Plaintiffs

22 DATED: September 30, 2009

23 LAW OFFICE OF RUSSELL D.COOK

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25 By _____ /s/
26 Russell D. Cook

27 Attorneys for Defendant

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ORDER

The parties having submitted this Stipulated Protective Order and Request For Stay and good cause appearing:

IT IS HEREBY ORDERED that the Case Management Conference scheduled for October 8, 2009 shall be continued to December 10, 2009 at 10:00 a.m., Courtroom B, 15th Floor.

The parties are required to submit a Joint Case Management Conference Statement seven (7) days prior to the new Case Management Conference advising this Court as to the status of the audit and the parties' informal attempts to resolve any dispute regarding the results of audit.

DATED: October 1, 2009

By



HON. MARIA-ELENA JAMES
UNITED STATES MAGISTRATE JUDGE

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