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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: December 10, 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.

9 The audit has been completed. The results of audit have been provided by Plaintiffs
10 Laborers Trust Funds to Defendant Davis Moreno. The parties are directly working with each
11 other to review and discuss the audit results. The parties are informally exchanging information
12 and documentation regarding the audit results in an attempt to resolve any dispute regarding the
13 results of audit. At this date, the parties are effectively communicating with each other and
14 there is every indication that the parties will continue to cooperate with each other, exchange
15 further information and documentation and, if necessary, meet and confer regarding the results
16 of audit. It is further anticipated that the parties will need to continue to meet and confer over
17 the next 60 days to discuss any issues related to the audit.

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

DATED: December 3, 2009

BULLIVANT HOUSER BAILEY PC

By _____
Ronald L. Richman

Attorneys for Plaintiffs

DATED: December 3, 2009

LAW OFFICE OF RUSSELL D. COOK

By _____
Russell D. Cook

Attorneys for Defendant

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ORDER

The parties having submitted this Joint Status Conference Statement and there appearing to be good cause to continue the Status Conference:

IT IS HEREBY ORDERED that the Case Management Conference scheduled for December 10, 2009 shall be continued to February 18, 2010 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: December 7, 2009

By 
HON. MARIA-TERESA JAMES
UNITED STATES MAGISTRATE JUDGE

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