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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: February 18, 2010  
 Time: 10:00 a.m.  
 Ctroom: B, 15<sup>th</sup> 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 was completed. The results of audit were provided by Plaintiffs Laborers Trust  
10 Funds to Defendant Davis Moreno. Defendant Davis Moreno provided the Trust Funds with  
11 additional information and documentation. Based on this additional information and  
12 documentation, on December 11, 2009, the Trust Funds presented Davis Moreno, through  
13 counsel, with the revised audit. To date, the parties have not reached agreement regarding the  
14 revised audit.

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Based on the value of the dispute, the parties agree to mediation.

DATED: February 9, 2010

BULLIVANT HOUSER BAILEY PC

By \_\_\_\_\_ /s/  
Ronald L. Richman

Attorneys for Plaintiffs

DATED: February 9, 2010

LAW OFFICE OF RUSSELL D. COOK

By \_\_\_\_\_ /s/  
Russell D. Cook

Attorneys for Defendant

As the parties intend to proceed with mediation, the Court hereby CONTINUES the C.M.C. to May 20, 2010 at 10:00 a.m. All deadlines are adjusted accordingly.

Dated: February 11, 2010



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