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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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NORTHERN CALIFORNIA GLAZIERS,
 12 ARCHITECTURAL METAL AND GLASS
 WORKERS PENSION PLAN, et al.,

Case Nos.: C08-5451 SI and C09-3546 SI

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Plaintiffs,

**JOINT CASE MANAGEMENT
 STATEMENT and [PROPOSED] ORDER**

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v.

Date: September 3, 2010

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AMERICA'S GLASS CENTER, INC., et al.,

Time: 3:00 p.m.

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Defendants.

Ctrm: 10, 19th Floor

Judge: The Honorable Susan Illston

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18 Plaintiffs in the two above-entitled actions submit this Case Management Statement, to
 19 advise the Court of the status of these matters.

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1. As the Court's records will reflect, Case No. C08-5451 SI ("Collections Action")
 21 was filed on December 4, 2008, and an Amended Complaint was filed on December 5, 2008, to
 22 compel Defendants' compliance with their obligations under the terms of the Collective
 23 Bargaining Agreement to which they are signatory, with respect to May 2008 and July through
 24 September 2008 contributions, liquidated damages and interest, and any additional amounts due at
 25 the time of Judgment. Judgment was entered pursuant to a Stipulation.

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2. Case No. C09-3546 SI ("Audit Action") was filed on August 3, 2009, to compel
 27 Defendants' compliance with their obligations under the terms of the Collective Bargaining

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JOINT CASE MANAGEMENT STATEMENT

Case No.: C08-5451 SI and C09-3546 SI

1 Agreement to which they are signatory, with respect to an audit of Defendants' records for the
2 period of June 1, 2007 through date of audit. Plaintiffs filed a Motion for Default Judgment.

3 3. On January 19, 2010, on Defendants' Motion, the Judgment was vacated and the
4 Motion set aside, to allow Defendants the opportunity to obtain counsel. Defendants' counsel filed
5 answers to the complaints.

6 4. The parties met on June 8, 2010 for Early Neutral Evaluation which continued to
7 mediation. The cases were not resolved thereby; however, upon departure from that meeting,
8 Defendants' counsel advised Plaintiffs' counsel that he believed that the parties could settle this
9 matter, and further stated that he expected to be able to present a proposal for resolution to
10 Plaintiffs, following his return from vacation on July 1, 2010.

11 5. Plaintiffs received a settlement offer from Defendants on July 26, 2010.

12 6. Defendants' settlement offer was not acceptable to Plaintiffs in its entirety, and on
13 August 3, 2010, Plaintiffs submitted a counteroffer to Defendants' counsel.

14 7. Plaintiffs received a response to their counteroffer on August 25, 2010. The
15 response included, among other proposals, the suggestion that the parties meet with the mediator
16 again if necessary. On August 26, 2010, Counsel for the parties had further discussions regarding
17 Defendant's August 25, 2010 response in a further effort to move towards settlement.

18 8. Plaintiffs are not opposed to further Mediation. The Mediator, James Fleming, has
19 informed the parties that he is out of the country now, and then unavailable through the first week
20 of October, 2010. The parties therefore request that the Court order an in-person settlement
21 meeting of the parties and counsel, to be completed no later than September 15, 2010, and to set a
22 Mediation deadline within 7 days of the Mediator's availability. (The prior Mediator generously
23 offered to meet again, and is familiar with the issues.) The parties further request that such Order
24 allow for either party to serve discovery requests or file a Motion with the court, following
25 September 15, 2010.

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1 9. Accordingly, the parties respectfully request that the Court set a settlement meeting
2 deadline of September 15, 2010, and a Mediation deadline of 7 days within the Mediator's first
3 available date.

4 Dated: August 27, 2010

**SALTZMAN & JOHNSON
LAW CORPORATION**

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By: /S/Muriel B. Kaplan
Muriel B. Kaplan
Attorneys for Plaintiffs

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Dated: August 27, 2010

YUDIEN & ASSOCIATES

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By: /S/Jordan Jay Yudien
Jordan Jay Yudien
Attorneys for Defendants

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13 IT IS SO ORDERED.

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The Court hereby sets the ~~date~~ ^{date} of September ~~15~~ ¹⁴, 2010 for the parties to meet in
pursuit of settlement, and of 7 days from the Mediator's first available date in October, 2010, to
conclude Mediation if necessary.

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Date: _____



THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT COURT JUDGE

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