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 Laborers Trust Funds

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 BOARD OF TRUSTEES OF THE
 LABORERS HEALTH AND WELFARE
 12 TRUST FUND FOR NORTHERN
 CALIFORNIA; BOARD OF TRUSTEES OF
 13 THE LABORERS VACATION-HOLIDAY
 TRUST FUND FOR NORTHERN
 14 CALIFORNIA; BOARD OF TRUSTEES OF
 THE LABORERS PENSION TRUST FUND
 15 FOR NORTHERN CALIFORNIA; and
 BOARD OF TRUSTEES OF THE
 16 LABORERS TRAINING AND RETRAINING
 TRUST FUND FOR NORTHERN
 17 CALIFORNIA, ,

18 Plaintiffs,

19 v.

20 SHADE CONSTRUCTION &
 ENGINEERING, INC., a California
 21 corporation; and SCOTT MICHAEL SHADE,
 an individual,

22 Defendants.
 23

Case No.: CV 09 0591 MMC

**STATEMENT IN LIEU OF CASE
 MANAGEMENT CONFERENCE
 STATEMENT; ORDER THEREON**

Date: May 22, 2009
 Time: 10:30 a.m.
 Ctroom: 7, 19th Floor
 Hon. Maxine M Chesney

24 Plaintiffs offer this Statement in Lieu of the Case Management Conference Statement.

25 On February 10, 2009 Plaintiffs filed their Complaint for Damages for Breach of
 26 Collective Bargaining Agreement, To Recover Unpaid Trust Fund Contributions, For Breach of
 27 Fiduciary Duty and For A Mandatory Injunction ("Complaint") seeking to recover outstanding
 28 trust fund contributions due on behalf of defendants' covered employees.

1 Defendant Shade Construction & Engineering, Inc. was served on April 15, 2009.
2 Defendant Scott Michael Shade was served on April 9, 2009. Responsive pleadings were due
3 on or before May 6, 2009. No responsive pleading has been filed by either defendant. This is
4 the second lawsuit in a period of two years against these defendants, the first lawsuit proceeded
5 in default. Plaintiffs believe that this second lawsuit, as well, will proceed in default.

6 On May 14, 2009 Plaintiffs filed their Request for Clerk's entry of Default.

7 Based on the above, Plaintiffs respectfully request that this Court continue the case
8 management conference for 90 days. Within this 90-day period, should defendants fail to make
9 an appearance, Plaintiffs will proceed in default.

10 DATED: May 15, 2009

11 BULLIVANT HOUSER BAILEY PC

12
13 By 

14 Ronald L. Richman
Susan J. Olson

15 Attorneys for Plaintiffs Laborers Trust Funds

16
17 **CASE MANAGEMENT ORDER**

18 The Court having read Plaintiffs' Statement in Lieu of Case Management Conference
19 Statement and good cause appearing therefore:

20 IT IS HEREBY ORDERED that the Case Management Conference currently scheduled
21 for May 22, 2009 be continued to August 21, 2009 at 10:30 a.m., Courtroom 7,
22 19th Floor. Plaintiffs shall file a motion for default judgment no later than June 26, 2009.

23 DATED: May 18, 2009

24 By 
25 HON. MAXINE M. CHESNEY
26 UNITED STATES DISTRICT JUDGE
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