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6 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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THE BOARD OF TRUSTEES, in their ) No. CV-09-0703 SI  
 11 capacities as Trustees of the LABORERS )  
 HEALTH AND WELFARE TRUST FUND )  
 12 FOR NORTHERN CALIFORNIA; LABORERS )  
 VACATION-HOLIDAY TRUST FUND FOR )  
 13 NORTHERN CALIFORNIA; LABORERS )  
 PENSION TRUST FUND FOR NORTHERN )  
 14 CALIFORNIA; and LABORERS TRAINING )  
 AND RETRAINING TRUST FUND FOR )  
 15 NORTHERN CALIFORNIA, )

**EX PARTE APPLICATION FOR  
 CONTINUANCE OF CASE  
 MANAGEMENT CONFERENCE;  
 (PROPOSED) ORDER**

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Plaintiffs,

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v.

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ZOLMAN CONSTRUCTION AND  
 DEVELOPMENT, INC., a California  
 19 Corporation,

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Defendant.

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**TO: THE CLERK OF THE COURT AND DEFENDANT ZOLMAN CONSTRUCTION  
 AND DEVELOPMENT, INC., and its counsel of record:**

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Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial case  
 24 management conference scheduled for May 29, 2009 be continued for sixty days.

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Plaintiffs served Defendant with the complaint on March 11, 2009, for which proofs of  
 27 service were filed before this Court with the Summons evidencing such service on March 24, 2009.  
 Defendant filed an Answer to the Complaint on May 8, 2009, pursuant to a Stipulation to Set Aside

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1 the Entry of Default. The parties are in the process of settling this matter and anticipate that they  
2 will come to some resolution of this case in the coming thirty (30) days. Accordingly, the parties  
3 wish to continue the Case Management Conference currently scheduled to avoid unnecessary  
4 expenses and to promote the efficient use of judicial resources.

5 The above stated facts are set forth in the accompanying declaration of Concepción E.  
6 Lozano-Batista in Support of Ex Parte Application to Continue Case Management Conference,  
7 filed herewith.

8 Dated: May 19, 2009

9 WEINBERG, ROGER & ROSENFELD  
10 A Professional Corporation

11 By: \_\_\_\_\_/s/\_\_\_\_\_  
12 CONCEPCIÓN E. LOZANO-BATISTA

13 118808/531467

14 **ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

15 Based upon the foregoing Ex Parte Application for Continuance of Case Management  
16 Order and Declaration of Concepción E. Lozano-Batista in Support of Ex Parte Application to  
17 Continue Case Management Conference, the Court orders a continuance of the case management  
18 conference for sixty days. In addition, the Court Orders:

19  
20 DATED: \_\_\_\_\_



21  
22 HONORABLE SUSAN ILLSTON  
23 JUDGE OF THE DISTRICT COURT

24 The case maangement conference has been continued to Friday, August 7, 2009,  
25 at 2:30 p.m.