

1 ERSKINE & TULLEY
 2 A PROFESSIONAL CORPORATION
 3 MICHAEL J. CARROLL (St. Bar #50246)
 4 220 Montgomery Street, Suite 303
 5 San Francisco, CA 94104
 6 Telephone: (415) 392-5431
 7
 8 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

12	BOARD OF TRUSTEES OF THE SHEET METAL)	NO. C 09 1307 SI
13	WORKERS, et al.,)	
14	Plaintiffs,)	CERTIFICATION BY
15	vs.)	PLAINTIFFS COUNSEL THAT
16))	AGREED CONSIDERATION
17	ACOSTA SHEET METAL MANUFACTURING)	<u>HAS NOT BEEN PAID;</u>
18	COMPANY, INC., a California)	<u>ORDER</u>
19	corporation,)	
	Defendant.)	
	_____)	

20 I, MICHAEL J. CARROLL, certify:
 21 I am counsel for plaintiff in this case and familiar with
 22 the following facts:

23 On February 18, 2009, Defendant signed a Stipulation for
 24 Judgment which provided for a payment plan that should have
 25 resulted in payment within one year. On July 9, 2009 this court
 26 signed an Order for Conditional Dismissal containing that time
 27 limit. Unfortunately the defendant has had to request relief from
 28 the terms of the Stipulation twice because economic conditions made

CERTIFICATION BY PLAINTIFFS COUNSEL THAT AGREED CONSIDERATION HAS NOT BEEN PAID:

ORDER

1 it unable to pay promised installments.

2 Plaintiffs have just granted the Defendant relief from
3 the payment plan for a second time. At this point in time
4 \$59,179.50 remains due in contributions alone. It is clear that
5 the judgment consideration will not be paid off within the 365 days
6 stated in the Order For Conditional Dismissal filed in July 2009.

7 Plaintiffs respectfully request that the action be
8 restored to the civil active calendar, although no dates need to be
9 set yet.

10 I declare under penalty of perjury that the foregoing is
11 true and correct to the best of my knowledge.

12 Executed on February 17, 2010 at San Francisco,
13 California.

14 /s/ Michael J. Carroll
15 Michael J. Carroll

16 Order
IT IS SO ORDERED.

17 Dated: 2/18/10

18 UNITED STATES DISTRICT COURT

19 

20 Honorable Susan Illston

21 The initial case management conference has been scheduled to occur
22 on Friday, March 12, 2010, at 2:30 p.m.

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CERTIFICATION BY PLAINTIFFS COUNSEL THAT AGREED CONSIDERATION HAS NOT BEEN PAID:

ORDER

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PROOF OF SERVICE

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, California 94104. On February 17, 2010 I served the within CERTIFICATION BY PLAINTIFFS COUNSEL THAT AGREED CONSIDERATION HAS NOT BEEN PAID; ORDER on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

Sal J. Acosta
Acosta Sheet Metal
930 Remillard Court
San Jose, CA 95122

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on February 17, 2010 at San Francisco, California.

/s/Sharon Eastman
Sharon Eastman