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7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 THE BOARD OF TRUSTEES, in their) No. CV 09-2053 MMC
 capacities as Trustees of the CEMENT)
 11 MASONS HEALTH AND WELFARE TRUST)
 FUND FOR NORTHERN CALIFORNIA,)
 12 CEMENT MASONS PENSION TRUST FUND)
 FOR NORTHERN CALIFORNIA, CEMENT)
 13 MASONS VACATION/HOLIDAY TRUST) **EX PARTE APPLICATION FOR**
 FUND FOR NORTHERN CALIFORNIA,) **CONTINUANCE OF CASE**
 14 CEMENT MASONS APPRENTICESHIP AND) **MANAGEMENT CONFERENCE;**
 TRAINING TRUST FUND FOR NORTHERN) **(PROPOSED) ORDER**
 15 CALIFORNIA,)
)
 16 Plaintiff,)
)
 17 v.)
)
 18 CHARLES B. HARDING CONSTRUCTION,)
 INC., A California Corporation,)
 19)
 Defendant.)
 20)

21 **TO: CHARLES B. HARDING CONSTRUCTION, INC., A California Corporation:**

22 Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial case
 23 management conference scheduled for October 27, 2009 be continued for ninety days to allow the
 24 Court to decide the Motion for Default Judgment in this matter.

25 The Complaint was served on Defendant, CHARLES B. HARDING CONSTRUCTION,
 26 INC. Given that Defendant did not respond to the Complaint, Plaintiffs filed a Request for Entry
 27 of Default. Default was entered on August 5, 2009. Plaintiffs filed a Motion for Default Judgment
 28 on August 18, 2009. A hearing was held on the Motion on September 29, 2009. A Report and

1 Recommendation was issued on the Motion on October 6, 2009. Plaintiffs request that the Case
2 Management Conference be continued for ninety days to allow the Court to rule on the Report and
3 Recommendation on the Motion for Default Judgment.

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

7 Dated: October 13, 2009

8 WEINBERG, ROGER & ROSENFELD
9 A Professional Corporation

10 By: _____/s/_____
11 CONCEPCIÓN E. LOZANO-BATISTA

12 119212/547554

13 **ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

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

18
19 DATED: October 16, 2009

20 
21 HONORABLE ELIABETH D. LAPORTE MAXINE M. CHESNEY
22 JUDGE OF THE DISTRICT COURT