

1 Muriel B. Kaplan, Esq. (SBN 124607)  
Michele R. Stafford, Esq. (SBN 172509)  
2 SALTZMAN & JOHNSON LAW CORPORATION  
44 Montgomery Street, Suite 2110  
3 San Francisco, CA 94104  
(415) 882-7900  
4 (415) 882-9287 – Facsimile  
mkaplan@sjlawcorp.com  
5 mstafford@sjlawcorp.com

6 Attorneys for Plaintiffs

7  
8  
9  
10 UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 DISTRICT COUNCIL 16 NORTHERN  
12 CALIFORNIA HEALTH AND WELFARE  
TRUST FUND, et al.,

13 Plaintiffs,

14 v.

15 MUSTANG FLOOR SERVICE, INC., a  
16 California Corporation,

17 Defendant.

Case No.: C09-2241 SI

**REQUEST TO CONTINUE OR VACATE  
CASE MANAGEMENT CONFERENCE;  
PLAINTIFFS' CASE MANAGEMENT  
CONFERENCE STATEMENT**

Date: September 22, 2011

Time: 2:30 p.m.

Ctrm: 10, 19<sup>th</sup> Floor

Judge: The Honorable Susan Illston

19 Plaintiffs herein respectfully submit their Case Management Statement, requesting that the  
20 Case Management Conference, currently on calendar for September 22, 2011, be vacated or  
21 continued for approximately 60-90 days, pending Plaintiffs' filing their Motion for Default  
22 Judgment.

23 1. As the Court's records will reflect, an Amended Complaint was filed in this matter  
24 on June 23, 2011, against Mustang Floor Service, Inc. ("Mustang Floor"), which based on  
25 information and belief is the alter ego / successor in interest of the original Defendant M B  
26 Flooring, Inc.

27 2. Service on Defendant Mustang Floor was effectuated on June 27, 2011, and a Proof  
28 of Service of Summons was filed with the Court on June 29, 2011.

3. On July 21, 2011, the Court entered the default of Defendant Mustang Floor.

4. To date, Defendant Mustang Floor has failed to plead or otherwise defend or appear in this action. Plaintiffs are currently preparing a Motion for Default Judgment which they anticipate filing with the Court within the next thirty days.

5. There are no issues that need to be addressed at the currently scheduled Case Management Conference. In the interest of conserving costs as well as the Court's time and resources, Plaintiffs respectfully request that the Case Management Conference, currently scheduled for September 22, 2011, be vacated, or in the alternative be continued to either coincide with the date to be set for the Motion or continued for 60-90 days to allow filing and disposition of the Motion.

I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above entitled action, and that the foregoing is true of my own knowledge.

Executed this 13th day of September, 2011, at San Francisco, California.

SALTZMAN & JOHNSON  
LAW CORPORATION

By: /S/Michele R. Stafford

Michele R. Stafford  
Attorneys for Plaintiffs

IT IS SO ORDERED.

Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management Conference is hereby vacated.

or

Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management Conference is hereby continued to 12/16/11. All related deadlines are extended accordingly.

Date: 9/13/11

Susan Blanton

THE HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT COURT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On September 13, 2011, I served the following document(s):

**REQUEST TO CONTINUE OR VACATE CASE MANAGEMENT CONFERENCE;  
PLAINTIFFS' CASE MANAGEMENT CONFERENCE STATEMENT**

on the interested parties in said action by First Class U.S. Mail, by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**M B Flooring, Inc.  
20444 Redwood Road  
Castro Valley, California 94546**

**Mustang Floor Service, Inc.  
20444 Redwood Road  
Castro Valley, California 94546**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 13th day of September, 2011, at San Francisco, California.

\_\_\_\_\_/S/\_\_\_\_\_  
Vanessa de Fábrega