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6 Attorneys for Plaintiffs

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

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

17 Plaintiffs,

18 v.

19 OP & SONS CONSTRUCTION,
 20 Defendant.

Case No.: C 09-02435 VRW

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

Date: September 10, 2009
 Time: 3:30 p.m.
 Ctroom: 6, 17th Floor
 Hon. Vaughn R. Walker

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

23 On June 2, 2009 Plaintiffs filed their Complaint for Damages for Breach of Collective
 24 Bargaining Agreement and For A Mandatory Injunction ("Complaint") seeking to compel an
 25 audit of Defendant's books and records to determine whether or not there are outstanding trust
 26 fund contributions due on behalf of defendants' covered employees.

27 Defendant OP & Sons Construction was served on June 9, 2009. Responsive pleadings
 28 were due on or before June 29, 2009. No responsive pleading has been filed.

1 On August 7, 2009 Plaintiffs filed their Request for Clerk's entry of Default. On August
2 14, 2009 the Clerk of Court entered the default of OP & Sons Construction. Plaintiff intends to
3 bring a motion for default judgment within the next 45 days.

4 Based on the above, Plaintiffs respectfully request that this Court continue the case
5 management conference for 45 days. Within this 45-day period, Plaintiffs will file their motion
6 for default judgment.

7 DATED: September 3, 2009

8 BULLIVANT HOUSER BAILEY PC

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10 By *Ronald L. Richman*
11 Ronald L. Richman
Susan J. Olson

12 Attorneys for Plaintiffs Laborers Trust Funds

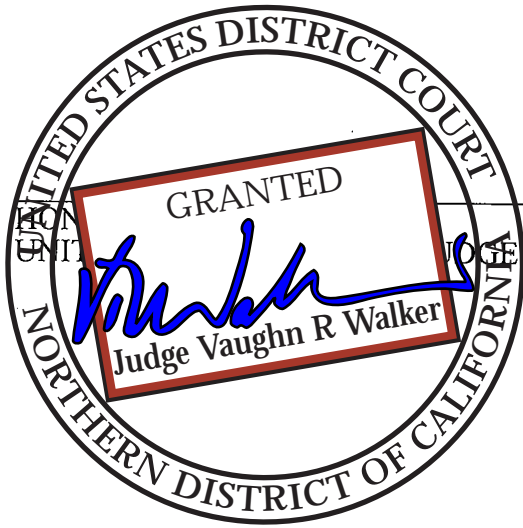
13 **CASE MANAGEMENT ORDER**

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

16 IT IS HEREBY ORDERED that the Case Management Conference currently scheduled
17 for September 10, 2009 be ~~continued to _____, 2009 at 3:30 p.m.,~~
18 ~~Courtroom 6, 17th Floor.~~ VACATED.

19 DATED: September 4, 2009

20 By _____



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