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6 Attorneys for Plaintiffs

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

11 NORTHERN CALIFORNIA GLAZIERS,
 ARCHITECTURAL METAL AND GLASS
 12 WORKERS PENSION PLAN, et al.

Case No.: C09-3546 SI

**REQUEST TO CONTINUE CASE
 MANAGEMENT CONFERENCE
 and [PROPOSED] ORDER THEREON**

13 Plaintiffs,

14 v.

Date: November 13, 2009

15 AMERICA’S GLASS CENTER, INC., et al.,

Time: 2:30 p.m.

16 Defendants.

Ctrm: 10, 19th Floor

Judge: The Honorable Susan Illston

18 Plaintiffs herein respectfully request a Continuance of the Case Management Conference
 19 currently on calendar for November 13, 2009.
 20

21 1. As the Court’s records will reflect, a Complaint was filed in this matter on August
 22 3, 2009 to compel Defendants’ compliance with an audit of their payroll records for the period
 23 August 1, 2007 through August 31, 2009; service on Defendants was effectuated on August 6
 24 2009; and a Proof of Service of Summons was filed with the Court on August 10, 2009.

25 2. On September 3, 2009, the Court entered the default of both Defendants.

26 3. Defendants have not complied with numerous requests to provide the necessary
 27 documents required to conduct the audit. I was advised that Defendants further had not provided
 28 documents as promised after Plaintiffs’ auditors went to Defendants’ premises.

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1 4. Plaintiffs are therefore issuing subpoenas to obtain necessary documents, and are
2 preparing a Motion for Default Judgment.

3 5. There are no issues that need to be addressed by the parties at the currently
4 scheduled Case Management Conference. Accordingly, in the interest of conserving costs as well
5 as the Court's time and resources, Plaintiffs respectfully request that the Case Management
6 Conference, currently scheduled for November 13, 2009, be continued for 90 days to allow for the
7 receipt and auditor review of the necessary documents, and the filing of Plaintiffs' Motion
8 thereafter.

9 6. In the event that the Court wishes to nevertheless proceed with a Case Management
10 Conference, it is respectfully requested that the Case Management Conference be deferred by one
11 week – to November 20, 2009 – as Plaintiffs' counsel, Muriel B. Kaplan, will be out of town on
12 November 13, 2009.

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

15 Executed this 5th day of November, 2009, at San Francisco, California.

16 SALTZMAN & JOHNSON
17 LAW CORPORATION

18 By: _____ /S/ _____
19 Muriel B. Kaplan
20 Attorneys for Plaintiffs

21 IT IS SO ORDERED.

22 The currently set Case Management Conference is hereby continued to
23 February 26, 2010 at 3:00 p.m. 2 p.m., and all previously set deadlines and
24 dates related to this case are vacated, to be reset at that Conference.

25
26 Date: _____



27 THE HONORABLE SUSAN ILLSTON
28 UNITED STATES DISTRICT COURT JUDGE

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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 November 6, 2009, I served the following document(s):

**REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE
and [PROPOSED] ORDER THEREON**

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:

**America’s Glass Center, Inc.
5050 Pacheco Blvd.
Martinez, CA 94533**

**Nanette Ujdur Conley Robinson
5050 Pacheco Blvd.
Martinez, CA 94533**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 6th day of November, 2009, at San Francisco, California.

/s/
Vanessa de Fábrega