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11 UNITED STATES DISTRICT COURT  
 12  
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 GIL CROSTHWAITE and RUSS BURNS, in  
 their respective capacities as Trustees of the  
 15 OPERATING ENGINEERS’ HEALTH AND  
 WELFARE TRUST FUND, et. al.

16 Plaintiffs,

17 v.

18 RAISCH COMPANY, *dba* RAISCH  
 19 PRODUCTS, a California Corporation; A. J.  
 RAISCH PAVING CO.,

20 Defendants.

Case No.: C09-5595 CRB

~~JOINT CASE MANAGEMENT~~  
~~CONFERENCE STATEMENT / REQUEST~~  
 21 TO CONTINUE ORDER

Date: July 2, 2010  
 Time: 8:30 a.m.  
 Judge: Honorable Charles Breyer  
 Ctrm. Courtroom 8, 19<sup>th</sup> Floor

22 The Parties hereby submit their Joint Case Management Statement, requesting that the  
 23 Case Management Conference be continued for approximately 60 days.

24 1. As the Court is aware from the parties’ last filing, there is little to no dispute that  
 25 over the amount of money owed by Defendants to the Plaintiffs pursuant to the terms of their  
 26 Collective Bargaining Agreements. The main issue that has precluded settlement to date is relative  
 27 to the financial condition of the defendant.  
 28

1           2.       All assets of the Defendant companies are secured by a lien in favor of a lender.  
2 The principals of the Defendant companies have been working with the lender to sell various  
3 pieces of equipment to pay off what is owed, while retaining some funds to pay other debts  
4 including the debt owed to the Plaintiffs.

5           3.       The parties participated in an ADR telephone conference on March 2, 2010, to  
6 discuss how to move forward. The ADR staff attorney was in agreement that a referral to  
7 mediation to take place at a later date in the event that the matter does not resolve is the best way  
8 to handle this matter.

9           4.       The Defendant recently made a settlement offer to Plaintiffs, which is currently  
10 being evaluated. The parties expect this matter to resolve shortly without the need for mediation.  
11 Due to the financial condition of the Defendant, both parties request that the Case Management  
12 Conference be continued so not to incur the additional expense. Accordingly, the parties  
13 respectfully request that it be continued for approximately 60 days to allow this matter to either  
14 resolve informally, or to allow the parties to participate in mediation if required.

15  
16 Dated: June 24, 2010

**SALTZMAN & JOHNSON  
LAW CORPORATION**

17  
18 By: \_\_\_\_\_/s/\_\_\_\_\_  
19 Michele R. Stafford  
20 Attorneys for Plaintiffs

21 Dated: June 24, 2010

**WAYNE A. SILVER**

22  
23 By: \_\_\_\_\_/s/\_\_\_\_\_  
24 Wayne A. Silver  
25 Attorneys for Defendants

26 The case management conference is continued to September 3, 2010 at 8:30 a.m..  
27  
28

