

1 Ronald L. Richman, SBN 139189
 Susan J. Olson, SBN 152467
 2 BULLIVANT HOUSER BAILEY PC
 601 California Street, Suite 1800
 3 San Francisco, California 94108
 Telephone: 415.352.2700
 4 Facsimile: 415.352.2701
 E-Mail: ron.richman@bullivant.com
 5 E-Mail: susan.olson@bullivant.com

6 Attorneys for Plaintiffs

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

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

Case No.: C 10-00124 JL

**PLAINTIFFS' CASE MANAGEMENT
 CONFERENCE STATEMENT; ORDER
 THEREON**

Date: June 2, 2010
Time: 10:30 a.m.
Ctroom: F, 15th Floor,
Hon. James Larson

16 Plaintiffs,

17 v.

18 KENNETH BERNARD HERRERA dba KB
 19 CONCRETE,

20 Defendant.

21
 22 Plaintiffs Laborers Trust Funds provide this Court with the following case management
 23 conference statement.

24 On January 11, 2010 Plaintiffs Laborers Trust Funds filed their Complaint for Damages
 25 for Breach of Collective Bargaining Agreement, To Recover Unpaid Trust Fund Contributions
 26 and for Breach of Fiduciary Duty ("Complaint") against Defendant Kenneth Bernard Herrera.
 27 In the Complaint, Laborers Trust Funds seek to recover the principal balance of 44,577.35 plus
 28 liquidated damages, interest, attorneys' fees and costs. Several attempts were made to serve the

1 Defendant. The attempts were unsuccessful. On March 16, 2010 Plaintiffs Laborers Trust
2 Funds filed a Declaration of Due Diligence advising this Court of the attempts at service of the
3 original Complaint.

4 On February 12, 2010 Plaintiffs Laborers Trust Funds filed their First Amended
5 Complaint for Breach of Collective Bargaining Agreement, To Recover Unpaid Trust Fund
6 Contributions, Breach of Fiduciary Duty and For a Mandatory Injunction ("First Amended
7 Complaint"). Once again, several attempts were made to serve the Defendant. These attempts
8 were unsuccessful. On March 16, 2010 Plaintiffs Laborers Trust Funds filed a Declaration of
9 Due Diligence advising this Court of the attempts at service of the First Amended Complaint.


10 Plaintiffs recently hired a private investigator to attempt to serve the Defendant. Despite
11 numerous attempts, Plaintiffs were still unable to locate and serve the defendant.

12 Plaintiff is in the process of filing a motion to serve the Defendant by publication.

13 Based on the above, Plaintiffs Laborers Trust Funds respectfully request that this Court
14 continue the case management conference for 30 days to allow the filing and hearing of a
15 motion to serve the Defendant by publication.

16 DATED: May 25, 2010

17 BULLIVANT HOUSER BAILEY PC

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19 By 
20 Ronald L. Richman
Susan J. Olson

21 Attorneys for Plaintiffs
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ORDER

Pursuant to Plaintiffs Laborers Trust Funds request for continuance of the case management conference and good cause appearing:

IT IS HEREBY ORDERED that the case management conference scheduled for June 2 2010 shall be continued to July 14, 2010 at 10:30 a.m., Courtroom F, 15th Floor.

Plaintiff shall submit a Joint Case Management Conference Statement seven (7) days prior to the new Case Management Conference advising this Court as to the status of this case.

DATED: 5/28, 2010

By 
HON. JAMES LARSON
UNITED STATES MAGISTRATE JUDGE

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