

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 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 GIL CROSTHWAITE and RUSS BURNS, in their
 respective capacities as Trustees of the
 11 OPERATING ENGINEERS’ HEALTH AND
 WELFARE TRUST FUND, et al.,
 12
 Plaintiffs,
 13
 v.
 14 PAUL T. BECK CONTRACTORS, INC., a
 15 California corporation,
 16 Defendant.

Case No.: C10-0151 SC

PLAINTIFFS’ PROPOSED ORDER re DISCOVERY

Judge: Honorable Samuel Conti

17

18 Plaintiffs hereby submit their Proposed Order regarding Discovery, pursuant to the Court’s
 19 request at the March 4, 2011 Case Management Conference in this matter. Plaintiffs request that
 20 Defendant answer the specific interrogatories and produce the specific documents requested
 21 below. Plaintiffs also reserve the right to depose the receiver and/or the “person most
 22 knowledgeable” of Paul T. Beck in the event that the discovery responses are not adequate.

DISCOVERY REQUESTS

24 1. Identify all of the assets of Paul T. Beck at the time that the receiver was appointed
 25 in December 2009. List all assets individually, including equipment (both office and construction
 26 related), vehicles and any other real or personal property. Please identify any assets that were sold
 27 or transferred during the six (6) months preceding the appointment of the receiver.

28

1 2. What funds were owed to Paul T. Beck at the time that the receiver was appointed
2 in December 2009? How much of these funds were collected? Who were they collected from and
3 when?

4 3. Who valued and disposed of Paul T. Beck's assets? Please identify each and every
5 asset, the value assigned to the asset, and how that value was assigned as well as the disposition of
6 each asset.

7 4. Please identify the total funds collected by the receiver from December 2009 to
8 present, and explain the disposition of the funds, *i.e.*, who was paid, how much, and why.

9 5. If any other entity purchased or obtained any of Paul T. Beck's assets, please
10 identify that entity and under what terms the asset was sold or transferred. Please also identify
11 specifically if James Beck individually or JRB Grading and Paving obtained any of the assets and
12 under what terms.

13 6. Did Paul T. Beck have any ongoing jobs at the time that the receiver was
14 appointed? If so, please identify all jobs, including job title/location, general contractor, owner
15 and time period of job.

16 7. For all jobs identified in Number 6 above, who finished / completed each job?
17 Please also identify specifically if James Beck individually or JRB Grading and Paving obtained
18 completed any of the jobs for Paul T. Beck.

19 8. If anyone other than Paul Beck completed any of the jobs identified in Number 6
20 above, did they assume the contract or was a new contract executed?

21 9. For any jobs identified in Number 6 above, did Paul T. Beck get fully paid for their
22 work on the project?

23 10. If the answer to Number 9 is "no", please explain why, including whether or not
24 another entity completed the work and/or got paid for finishing the job.

25 11. For all assets sold or liquidated and all monies collected, and/or for the period from
26 December 2009 to the present, please identify each and every creditor paid, the amount that the
27 creditor received and the basis for paying that creditor.

28

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

12. Please produce any and all documents showing the collection, valuation and disposition of any of the assets or funds identified above.

ORDER

Defendant Paul T. Beck is hereby Ordered to provide responses to the above interrogatories within _____ days of the date of this Order and no later than _____, 2011 forthwith.

IT IS SO ORDERED.

Date: March 16, 2011



THE HONORABLE SAMUEL CONTI

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 March 9, 2011, I served the following document(s):

PLAINTIFFS' PROPOSED ORDER re DISCOVERY

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:

Attorney for Defendant:

**Robert E. Rosenthal, Esq.
Andrew B. Kreeft, Esq.
BOHNEN, ROSENTHAL & KREEFT
787 Munras Avenue, Suite 200
P.O. Box 1111
Monterey, California 93942**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 9th day of March, 2011, at San Francisco, California.

_____/s/_____
Qui X. Lu