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12 Attorneys for Defendants

13 UNITED STATES DISTRICT COURT

14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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

17 Plaintiffs,

18 v.

19 PAUL T. BECK CONTRACTORS, INC., a  
 20 California corporation; JAMES RAY BECK,  
 individually, and *dba* JRB GRADING & PAVING  
 21 *aka* JRB GRADING & PAVING, LLC., a Limited  
 Liability Company,

22 Defendants.  
23

Case No.: C10-0151 SC

**JOINT CASE MANAGEMENT STATEMENT AND REQUEST FOR CONTINUANCE**

Date: November 18, 2011  
 Time: 10:00 a.m.  
 Courtroom: 1, 17<sup>th</sup> Floor  
 450 Golden Gate Avenue  
 San Francisco, CA 94102  
 Judge: Honorable Samuel Conti

24  
 25 Plaintiffs and Defendants jointly request that the Case Management Conference scheduled  
 26 for November 18, 2011, at 10:00 a.m. be continued for approximately 45 days, as follows:

- 27 1. On May 27, 2011, Plaintiffs filed an Amended Complaint to include Defendants  
 28 James Ray Beck, individually and doing business as JRB Grading & Paving, also known as JRB

1 Grading & Paving, LLC.

2 2. On June 24, 2011, Defendants filed their Answer to the Amended Complaint.

3 3. On July 15, 2011, Plaintiffs filed an Administrative Motion to Consider Whether  
4 Case No. C11-0454 PJH (*Operating Engineers Health & Welfare Trust Fund v. James Ray Beck,*  
5 *individually, and dba JRB Grading & Paving aka JRB Grading & Paving, LLC*) should be Related  
6 Pursuant to Civil Local Rule 3-12.

7 4. On July 22, 2011, the Court issued a Related Case Order, relating the two matters  
8 before the Honorable Samuel Conti.

9 5. The Parties are currently engaged in active settlement discussions and are working  
10 toward an informal resolution of this Matter. It is the consensus of the Parties that if a settlement  
11 can be reached outside of Court, it will be reached in the next several weeks. All Defendants are  
12 aware that if a resolution cannot be reached informally, Plaintiffs will file a Motion for Summary  
13 Judgment against all Defendants named in the Amended Complaint.

14 6. Given the state of the Parties' settlement discussions, there is nothing to discuss at a  
15 Case Management Conference at the present time.

16 7. We therefore jointly request that the Case Management Conference be continued  
17 for approximately 45 days to allow the Parties time to conclude their settlement discussions. All  
18 related deadlines (such as Rule 26 disclosures) shall also be continued along with the Case  
19 Management Conference.

20 Dated: November 10, 2011

SALTZMAN & JOHNSON  
LAWCORPORATION

21  
22 By: \_\_\_\_\_/s/\_\_\_\_\_  
Blake E. Williams  
23 Attorneys for Plaintiffs

24 Dated: November 10, 2011

BOHNEN, ROSENTHAL & KREEFT

25 By: \_\_\_\_\_/s/\_\_\_\_\_  
Sergio H. Parra  
26 Attorneys for Defendants  
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1 IT IS SO ORDERED.

2 The currently set Case Management Conference is hereby continued to  
3 March 9, 2012 at 10:00 a.m. All related deadlines are extended  
4 accordingly.

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6 Date: 11/14/11



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PROOF OF SERVICE:

I, the undersigned, declare:

I 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 10, 2011, I served the following document(s) on the parties to this action in the manner described below:

**JOINT CASE MANAGEMENT STATEMENT AND REQUEST FOR CONTINUANCE**

XX **ELECTRONICALLY** by causing said document to be electronically filed using the Court's Electronic Court Filing ("ECF") System and service was completed by electronic means by transmittal of a Notice of Electronic Filing on the registered participants of the ECF System.

*To:*

Andrew B. Kreeft, Esq.  
Sergio H. Parra, Esq.  
Bohnen, Rosenthal & Kreeft  
787 Munras Avenue, Suite 200  
Monterey, California 93940  
**VIA ECF**  
*Attorneys for Defendants*

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 10th day of November, 2011, at San Francisco, California.

\_\_\_\_\_  
/s/  
Qui X. Lu