

1 RICHARD C. JOHNSON (SBN 40881)
 SHAAMINI A. BABU (SBN 230704)
 2 SALTZMAN & JOHNSON LAW CORPORATION
 44 Montgomery Street, Suite 2110
 3 San Francisco, CA 94104
 (415) 882-7900
 4 (415) 882-9287 – Facsimile
 djohnson@sjlawcorp.com
 5 sbabu@sjlawcorp.com

6 Attorneys for Plaintiffs

7 ROBERT G. HULTENG (SBN 072193)
 VINCENT J. MERSICH (SBN 259813)
 8 LITTLER MENDELSON, P.C.
 650 California Street, 20th Floor
 9 San Francisco, CA 94108
 (415) 433-1940
 10 (415) 399-8490 (fax)
 rhulteng@littler.com
 11 vmersich@littler.com

12 Attorneys for Defendants

13 UNITED STATES DISTRICT COURT

14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 OPERATING ENGINEERS' PENSION
 TRUST FUND; et al.,

16 Plaintiffs,
 17 vs.

18 FIFE ROCK PRODUCTS COMPANY, et al.,
 19 Defendants.

Case No.: 10-CV-00697-SI

**JOINT CASE MANAGEMENT
 STATEMENT; AND [PROPOSED]
 ORDER TO CONTINUE CASE
 MANAGEMENT CONFERENCE**

20 1. On July 22, 2010, the parties participated in Early Neutral Evaluation (ENE)
 21 pursuant to this Court's Order dated May 13, 2010 (Document 21) with Steve Schrey who was
 22 appointed as the Evaluator by the Court on May 21, 2010 (Document 24).

23 2. As stated in the Evaluator's Certification of Session (Document 30), the parties
 24 continued to engage in further facilitated discussions following the ENE session.

25 3. The parties have agreed to participate in a mediation session on September 29,
 26 2010, in an attempt to settle this matter. Steve Schrey will serve as the mediator.

27 4. There are no issues that need to be addressed by the Court at the Case Management
 28

1 Conference currently calendared for September 3, 2010 (Docket 25). In the interest of minimizing
2 attorneys' fees and costs as well as preserving the Court's resources, the parties respectfully
3 request that the Court continue the Case Management Conference to November 5, 2010, to
4 provide the parties with sufficient opportunity to participate in the mediation and any subsequent
5 settlement discussions as necessary.

6 DATED: August 24, 2010 LITTLER MENDELSON, P.C.

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9 By: _____ /S/
10 ROBERT G. HULTENG
11 VINCENT J. MERSICH
12 Attorney for Defendants
13 FIFE ROCK PRODUCTS, et al.

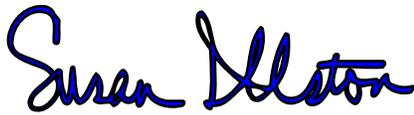
14 DATED: August 24, 2010 SALTZMAN & JOHNSON LAW CORPORATION

15
16 By: _____ /S/
17 SHAAMINI A. BABU
18 Attorney for Plaintiffs
19 OPERATING ENGINEERS' PENSION TRUST
20 FUND, et al.

21 IT IS SO ORDERED.

22 Based on the foregoing, the Case Management Conference is hereby continued to
23 November 5, 2010, at 2:30 p.m. All related deadlines are extended accordingly.

24 DATED: _____

25 
26 _____
27 The Honorable Susan Illston
28 UNITED STATES DISTRICT COURT