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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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12 F. G. CROSTHWAITE, et al., as Trustees of
the OPERATING ENGINEERS HEALTH
AND WELFARE TRUST FUND, et al.

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Plaintiffs,

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v.

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CRUZ EXCAVATING, INC., a California
Corporation; STEVEN BELMIRO CRUZ, an
16 Individual; ZEPHYR COMPANIES, INC. *aka*
ZEPHYR COMPANIES BMPS &
17 DEFENSIBLE SPACE *aka* CRUZ
EXCAVATING, INC., a California
18 Corporation; and SCOTT DAVID FREIDUS,
an Individual,

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Defendants.

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Case No.: C10-1110 SC

**JOINT CASE MANAGEMENT
STATEMENT and JOINT REQUEST FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE; and
~~PROPOSED~~ ORDER THEREON**

Date: September 17, 2010

Time: 10:00 a.m.

Ctrm: 1, 17th Floor

Judge: The Honorable Samuel Conti

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22 The parties herein respectfully submit their Joint Case Management Statement and Joint
23 request to continue the Case Management Conference, currently on calendar for September 17,
24 2010, for approximately 120 days.

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26 1. As the Court's records will reflect, this action was filed on March 16, 2010 against
27 Defendants Cruz Excavating, Inc. ('Cruz Excavating') and Steven Belmiro Cruz ('Cruz'). Service on
28 Defendant Cruz was effectuated on March 24, 2010, and service on Defendant Cruz Excavating

28

**JOINT CASE MANAGEMENT STATEMENT and
JOINT REQUEST FOR CONTINUANCE OF CASE MANAGEMENT CONFERENCE;
and [PROPOSED] THEREON**

Case No.: C10-1110 SC

1 was effectuated on March 31, 2010. A Proof of Service of Summons was filed with the Court on
2 April 20, 2010.

3 2. An Amended Complaint was filed on June 4, 2010, adding Zephyr Companies, Inc.
4 *aka* Zephyr Companies BMP's & Defensible Space *aka* Cruz Excavating, Inc. ("Zephyr") and Scott
5 David Freidus ("Freidus") as Defendants.

6 3. On September 2, 2010, Defendants filed an Answer to the Complaint.

7 4. On September 9, 2010, the case was referred to Mediation, pursuant to the Court's
8 Order. [*see* Docket No. 19]

9 5. Accordingly, the parties herein respectfully request that the Case Management
10 Conference, currently scheduled for September 17, 2010, be continued for 120 days to allow for
11 the Mediation to place with the goal of resolving this matter without the further intervention of the
12 Court.

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**JOINT CASE MANAGEMENT STATEMENT and
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