

E-Filed 12/30/10

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UNITED STATES DISTRICT COURT

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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.,

Case No.: C10-1909 RS

REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE

12 Plaintiffs,

Date: January 6, 2011

13 v.

Time: 10:00 a.m.

14 PEAK ENGINEERING INC., a California
 15 corporation,

Location: Courtroom 3, 17th Floor
450 Golden Gate Avenue
San Francisco, California

16 Defendant.

Judge: Honorable Richard Seeborg

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18 Plaintiffs herein respectfully request a Continuance of the Case Management Conference
 19 currently on calendar for January 6, 2011 at 10:00 a.m.

20 1. As the Court is aware, on July 27, 2010, default was entered against Defendant in
 21 this matter.

22 2. Plaintiffs recently discovered that Defendant has closed its doors. However,
 23 Plaintiffs have made bond claims and are investigating other avenues for collection, including a
 24 possible alter ego company to be named in the current action. The investigation, including
 25 obtaining records from the Secretary of State and other sources, is almost complete. The results
 26 need to be evaluated and discussed, to ascertain whether additional defendants should be added to
 27 this action. Accordingly, Plaintiffs request that the Case Management Conference, currently

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1 scheduled for January 6, 2011, be continued for ninety (90) days to allow Plaintiffs time to
2 complete our investigation.

3 3. There are no issues that need to be addressed at the currently scheduled conference.

4 I declare under penalty of perjury that the foregoing is true and correct of my own personal
5 knowledge and if called upon to testify, I could competently testify thereto.

6 Executed this 30th day of December, 2010, at San Francisco, California.

7 SALTZMAN & JOHNSON
8 LAW CORPORATION

9 _____/s/_____
10 Michele R. Stafford
11 Attorneys for Plaintiffs

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13 **IT IS SO ORDERED:**

14 The Case Management Conference in this matter shall be continued to
15 March 17, _____2011 at 10:00 a.m., and all other previously set dates shall
16 be vacated, and reset at that time as necessary.

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18 Dated: 12/30/10

19 
20 _____
21 UNITED STATES DISTRICT COURT JUDGE