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11 UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 OPERATING ENGINEERS' PENSION
 14 TRUST FUND; F.G. CROSTHWAITE and
 15 RUSSELL E. BURNS, as Trustees,

Case No.: CV 10-3537 [SI]

16 Plaintiffs,

17 **REQUEST TO CONTINUE OR
 18 VACATE CASE MANAGEMENT
 19 CONFERENCE; [PROPOSED] ORDER
 20 THEREON**

21 vs.

22 D&L CONCRETE PUMPING, INC., a
 23 California Corporation, LARRY TURNER,
 24 and DOES 1-10,

Date: December 20, 2010
 Time: 2:30 p.m.
 Courtroom 10, 19th Floor
 Judge: The Honorable Susan Illston

25 Defendants.

26 Plaintiffs herein respectfully request that the Case Management Conference currently on
 27 calendar for December 20, 2010 at 2:30pm, be continued or vacated entirely, in anticipation of a
 28 filing of a Motion for Default Judgment by Plaintiffs.

1. A Complaint was filed in this matter on August 11, 2010, to recover withdrawal
 liability amounts owed by Defendants D&L Concrete Pumping, Inc. and Larry Turner
 (“Defendants”) pursuant to the Employee Retirement Income Security Act of 1974 (ERISA) as
 amended by the Multi-Employer Pension Plan Amendments Act of 1980 (MPPAA).

2. Service of Defendants was effectuated on August 23, 2010, and Proofs of Services
 of Summons were filed with the Court on August 30, 2010.

3. To date, Defendants have failed to plead or otherwise defend or appear in this
 action.

1 PROOF OF SERVICE

2 I, the undersigned, declare:

3 1. I am a citizen of the United States and am employed in the County of San
4 Francisco, State of California. My business address is 44 Montgomery Street, Suite 2110, San
5 Francisco, California 94104.

6 2. I am over the age of eighteen and not a party to this action.

7 3. On **December 3, 2010**, I served the following document(s):

8 **REQUEST TO CONTINUE OR VACATE TELEPHONIC CASE MANAGEMENT**
9 **CONFERENCE; [PROPOSED] ORDER THEREON**

10 on the interested parties in said action by enclosing a true and exact copy of each document in a
11 sealed envelope and placing the envelope for collection and mailing following our ordinary
12 business practices. I am readily familiar with this business's practice for collecting and processing
13 correspondence for first class mailing. On the same day that correspondence is placed for
14 collection and mailing, it is deposited in the ordinary course of business with the United States
15 Postal Service in a sealed envelope with postage fully prepaid.

16 4. The envelopes were addressed and mailed as follows:

17 **John R. Conger**
18 **Brown, Hall, Shore & McKinley, LLP**
19 **The Fountains**
20 **3031 West March Lane, Suite 230**
21 **Stockton, California 95219-6500**

22 I declare under penalty of perjury that the foregoing is true and correct and that this
23 declaration was executed on **December 3, 2010**, at San Francisco, California.

24 _____ /s/
25 Barbara Souza
26 Paralegal