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8	UNITED STATES DISTRICT COURT
9	NORTHERN DISTRICT OF CALIFORNIA
10	BOARD OF TRUSTEES OF THE PLASTERING) Case No. CV 10 5530 MEJ
	INDUSTRY WELFARE TRUST FUND, et al.,
11	Plaintiffs, (CASE MANAGEMENT STATEMENT) AND PROPOSED ORDER
12	v.) Date: March 17, 2011
13	PREMIER WALL CONSTRUCTORS, INC.,) Time: 10:00 A.M. Place Courtroom B, 15th Floor
14	a California corporation,)
15	Defendant.
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17	The Plaintiffs submit this Case Management Statement.
18	1. Jurisdiction and Service: The Court has subject matter jurisdiction over all of the
19	Plaintiffs' claims. The basis for jurisdiction is Sections 502 and 515 of the Employee Retirement
20	Income Security Act ("ERISA"), 29 U.S.C. §§ 1132 and 1145, and Section 301 of the Labor
21	Management Relations Act ("LMRA"), 29 U.S.C. § 185. All of the parties are subject to the Court's
22	jurisdiction. No parties remain to be served.
23	2. Facts: Plaintiffs (hereinafter "Trust Funds" or "Plaintiffs") are joint labor-management
24	trust funds which provide health, pension and other benefits for employees. Defendant, Premier Wall
25	Constructors, Inc. (hereinafter "Employer" or "Defendant") is signatory to a collective bargaining
26	agreement with Plasterers Local No. 66 and related Trust Agreements which govern the relationship

between the parties and provide for, among other things, payment of benefit plan contributions to the

Trust Funds, and remedies for non-payment .

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- **Discovery:** Since this lawsuit is based upon reports submitted by the Defendant, Plaintiffs do not anticipate the need for any discovery. However, Plaintiffs reserve the right to conduct
 - 9. **Class Actions:** This is not a class action.

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- 10. **Related Cases:** The parties are unaware of any related cases or proceedings pending before another judge of this court, or before another court or administrative body.
- 11. Relief: Plaintiffs seek payment of all unpaid fringe benefit contributions, liquidated damages, interest, attorneys' fees and costs.
- 12. **Settlement and ADR:** The parties have agreed to settle this lawsuit. Plaintiffs have sent Defendant a proposed Stipulation for Entry of Judgment which the Defendant and its counsel are now reviewing.
- 13. Consent to Magistrate Judge for All Purposes: Plaintiffs have consented to a magistrate judge to conduct all further proceedings, including trial and entry of judgment.
- 14. Other References: This case is not suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

1	15. Narrowing of Issues: The parties do not believe that the limited issues in this case
2	can be narrowed further.
3	16. Expedited Schedule: This may be the type of case that can be handled on an
4	expedited basis with streamlined procedures.
5	17. Scheduling: Because a settlement is pending, Plaintiffs request that the status
6	conference be continued to a date on or after April 21, 2011 at the Court's convenience for further
7	scheduling. Plaintiffs hope to file the Stipulation for Entry of Judgment and Proposed Consent
8	Judgment within the next few weeks.
9	18. Trial: If the case is not settled, it will probably be resolved by default judgment,
10	thereby obviating the need for a trial. If a trial is necessary, it would be a court trial and should not
11	take more than one day.
12	19. Disclosure of Non-Party Interested Entities or Persons: Plaintiffs have filed the
13	Certification of Interested Entities or Persons required by Civil Local Rule 3-16. Counsel for
14	Plaintiffs certify that as of this date, other than the named parties, there are no persons, firms,
15	partnerships, corporations or other entities known by them to have either (1) a financial interest in the
16	subject matter in controversy or in a party to the proceeding or (2) any other kind of interest that could
17	be substantially affected by the outcome of the proceeding.
18	20. Other Matters: Plaintiffs are unaware of other matters that may facilitate the just,
19	speedy and inexpensive disposition of this matter.
20	McCARTHY, JOHNSON & MILLER Law Corporation
21	Law Corporation
22	Dated: March 9, 2011 By: /s/ Lori A. Nord LORI A. NORD
23	Attorneys for Plaintiffs
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25	IT IS SO ORDERED that the March 17, 2011 Case Management Conference is continued
26	to May 12 at 10:00 a.m.
27	Dated: March 1,2011 By: MARIA-JLE JAMES
28	United State Magistrate Judge

1 **DECLARATION OF SERVICE BY MAIL** I am a citizen of the United States and a resident of the State of California. I am over the 2 3 age of eighteen years and not a party to the within matter. My business address is 595 Market 4 Street, Suite 2200, San Francisco, California 94105. I am familiar with the practice of McCarthy, Johnson & Miller Law Corporation for 5 6 collection and processing of correspondence for mailing with the United States Postal Service. It is the practice that correspondence is deposited with the United States Postal Service the same day 7 it is submitted for mailing. 8 9 I served the following document by placing a true copy of each such document for collection and mailing, in the course of ordinary business practice, with other correspondence of McCarthy, 10 11 Johnson & Miller Law Corporation, located at 595 Market Street, Suite 2200, San Francisco, 12 California 94105, on March 9, 2011, enclosed in a sealed envelope with postage fully prepaid, 13 addressed in the manner set forth immediately below this declaration. 14 Document served: 15 **Case Management Statement and Proposed Order** 16 I declare under penalty of perjury that the foregoing is true and correct. Dated at San Francisco, California, on March 9, 2011. 17 18 19 By: /s/ Anna Lee Anna Lee 20 21 Premier Wall Constructors, Inc. Attn: Gary Paoli 2320 Pomona Road 22 Corona, CA 92880 23 24 25 26 27

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