

1 Michele R. Stafford, Esq. (SBN 172509)
 Blake E. Williams, Esq. (SBN 233158)
 2 SALTZMAN & JOHNSON LAW CORPORATION
 44 Montgomery Street, Suite 2110
 3 San Francisco, CA 94104
 (415) 882-7900
 4 (415) 882-9287 – Facsimile
mstafford@sjlawcorp.com
 5 bwilliams@sjlawcorp.com

6 Attorneys for Plaintiffs

7 Andrew B. Kreeft, Esq. (SBN 126673)
 Sergio H. Parra, Esq. (SBN 247682)
 8 Bohnen, Rosenthal & Kreeft
 787 Munras Avenue, Suite 200
 9 Monterey, CA 93940
 (831) 649-5551
 10 (831) 649-0272 – Facsimile
akreeft@mbaylaw.com
 11 sparra@mbaylaw.com

12 Attorneys for Defendants

13 UNITED STATES DISTRICT COURT

14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 GIL CROSTHWAITE and RUSS BURNS, in their
 respective capacities as Trustees of the
 16 OPERATING ENGINEERS' HEALTH AND
 WELFARE TRUST FUND, et al.,

17 Plaintiffs,

18 v.

19 JAMES RAY BECK, individually, and *dba* JRB
 20 GRADING & PAVING *aka* JRB GRADING &
 PAVING, LLC., a Limited Liability Company,

21 Defendants.
 22

Case No.: C11-0454 SC

**JOINT CASE MANAGEMENT
 STATEMENT AND REQUEST FOR
 CONTINUANCE**

Date: November 18, 2011
 Time: 10:00 a.m.
 Courtroom: 1, 17th Floor
 450 Golden Gate Avenue
 San Francisco, CA 94102
 Judge: Honorable Samuel Conti

23 Plaintiffs and Defendants jointly request that the Case Management Conference scheduled
 24 for November 18, 2011, at 10:00 a.m. be continued for approximately 45 days, as follows:

25 1. On May 27, 2011, Plaintiffs filed an Amended Complaint in Crosthwaite v. Paul T.
 26 Beck Contractors, Inc. (“PTB Matter”), Case No C10-0151-SC, to include all Defendants named
 27 in this Action as co-Defendants on a theory of alter ego liability.

28 2. On June 24, 2011, all Defendants filed their Answer to the Amended Complaint in

JOINT CASE MANAGEMENT STATEMENT AND REQUEST FOR CONTINUANCE

Case No.: C11-0454 SC

1 the PTB Matter.

2 3. On July 15, 2011, Plaintiffs filed an Administrative Motion to Consider Whether
3 this Matter should be related to the PTB Matter, Pursuant to Civil Local Rule 3-12.

4 4. On July 22, 2011, the Court issued a Related Case Order, relating the two matters
5 before the Honorable Samuel Conti.

6 5. The Parties are currently engaged in active settlement discussions and are working
7 toward an informal resolution of this Matter. It is the consensus of the Parties that if a settlement
8 can be reached outside of Court, it will be reached in the next several weeks. All Defendants are
9 aware that if a resolution cannot be reached informally, Plaintiffs will file a Motion for Summary
10 Judgment against all Defendants named in the PTB Matter.

11 6. Given the state of the Parties' settlement discussions, there is nothing to discuss at a
12 Case Management Conference at the present time.

13 7. We therefore jointly request that the Case Management Conference be continued
14 for approximately 45 days to allow the Parties time to conclude their settlement discussions. All
15 related deadlines (such as Rule 26 disclosures) shall also be continued along with the Case
16 Management Conference.

17 Dated: November 10, 2011

SALTZMAN & JOHNSON
LAWCORPORATION

18
19 By: _____/s/_____
Blake E. Williams
20 Attorneys for Plaintiffs

21 Dated: November 10, 2011

BOHNEN, ROSENTHAL & KREEFT

22 By: _____/s/_____
23 Sergio H. Parra
Attorneys for Defendants

24 IT IS SO ORDERED.

25 The currently set Case Management Conference is hereby continued to 3/9/12 at
26 10:00 a.m.. All related deadlines are extended accordingly.

27 Date: 11/14/11

28 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
IT IS SO ORDERED
Samuel Conti
Judge Samuel Conti

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE:

I, the undersigned, declare:

I am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On November 10, 2011, I served the following document(s) on the parties to this action in the manner described below:

JOINT CASE MANAGEMENT STATEMENT AND REQUEST FOR CONTINUANCE

XX **ELECTRONICALLY** by causing said document to be electronically filed using the Court's Electronic Court Filing ("ECF") System and service was completed by electronic means by transmittal of a Notice of Electronic Filing on the registered participants of the ECF System.

To:

Andrew B. Kreeft, Esq.
Sergio H. Parra, Esq.
Bohnen, Rosenthal & Kreeft
787 Munras Avenue, Suite 200
Monterey, California 93940
VIA ECF
Attorneys for Defendants

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 10th day of November, 2011, at San Francisco, California.

/s/
Elise Thurman