

1 Ronald L. Richman, SBN 139189
Susan J. Olson, SBN 152467
2 BULLIVANT HOUSER BAILEY PC
601 California Street, Suite 1800
3 San Francisco, California 94108
Telephone: 415.352.2700
4 Facsimile: 415.352.2701
E-Mail: ron.richman@bullivant.com
5 E-Mail: susan.olson@bullivant.com

6 Attorneys for Plaintiffs

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 BOARD OF TRUSTEES OF THE
LABORERS HEALTH AND WELFARE
11 TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
12 THE LABORERS VACATION-HOLIDAY
TRUST FUND FOR NORTHERN
13 CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS PENSION TRUST FUND
14 FOR NORTHERN CALIFORNIA; and
BOARD OF TRUSTEES OF THE
15 LABORERS TRAINING AND RETRAINING
TRUST FUND FOR NORTHERN
16 CALIFORNIA,

17 Plaintiffs,

18 v.

19 RMT LANDSCAPE CONTRACTORS, INC.,
a California corporation; RICK LOUIS DE
20 HERRERA, an individual,

21 Defendants.

Case No.: C 11-00561 EMC

**REQUEST TO EXTEND TIME TO
ALLOW DEFENDANTS TO APPEAR;
ORDER THEREON**

22
23 Plaintiffs hereby provide this Court with a Request to Extend Time to Allow Defendants
24 to appear in this case, based upon the following. On February 7, 2011 Plaintiffs filed their
25 Complaint for Damages for Breach of Collective Bargaining Agreement, To Recover Unpaid
26 Trust Fund Contributions, For Breach of Fiduciary Duty and For a Mandatory Injunction
27 (“Complaint”). Defendant RMT Landscape Contractors, Inc. (“RMT”) was served on February
28 10, 2011. RMT’s responsive pleading was due on or before March 3, 2011. Plaintiffs were

1 having some difficulty serving its RMO/CEO/President, Defendant Rick Louis De Herrera ("De
2 Herrera").

3 In early March, 2011 Plaintiffs' counsel was contacted by Richard N. Hill, a partner at
4 Littler Mendelson in San Francisco, advising counsel that he believed he would be retained by
5 RMT and Herrera. Mr. Hill further advised Plaintiffs' counsel that once retained, he would
6 accept service of process on behalf of Defendant Herrera.

7 On March 22, 2011 Plaintiffs filed with this Court the Notice and Acknowledgment of
8 Receipt of Summons and Complaint ("Notice and Acknowledgment") executed by Mr. Hill on
9 behalf of Defendant Herrera. Defendant Herrera's responsive pleading is due on or before April
10 12, 2011.

11 Counsel for Plaintiffs and counsel for Defendants have conferred and are attempting to
12 resolve this case via informal settlement discussions. Plaintiffs and Defendants need additional
13 time to attempt to resolve this case in lieu of further litigation.

14 Based on the above, Plaintiffs respectfully request that this Court grant Defendants up to
15 and including April 29, 2011 to file a responsive pleading. The Initial Case Management
16 Conference is scheduled for May 25, 2011, with the parties' Rule 26(f) Reports, Initial
17 Disclosures and Case Management Statement being due on May 18, 2011. As of this date,
18 Plaintiffs are not requesting that these dates be re-scheduled, but will advise the Court prior to
19 May 18, 2011 if progress towards settlement is being made in and a further continuance of the
20 Case Management Conference and other deadlines are requested.

21 DATED: March 24, 2011

22 BULLIVANT HOUSER BAILEY PC

23
24 By 
25 Ronald L. Richman
Susan J. Olson

26 Attorneys for Plaintiffs
27
28

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

ORDER

Pursuant to Plaintiffs' request and good cause appearing:

IT IS HEREBY ORDERED that Defendants shall have up to and including April 29, 2011 to file a responsive pleading in this case. No other deadlines in the Order Setting Initial Case Management Conference and ADR Deadlines are changed, at this time.

DATED: March 25, 2011

By



13245403.1